



WORKERS RESISTANCE

Vol. 1 No. 8

Monthly Web Magazine of AICCTU

DECEMBER 2021

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DECLARATION

National Convention of Workers

The National Convention of Workers held on 11th November 2021 at Jantar Mantar, New Delhi, at the initiative of Joint Platform of Central Trade Unions and Independent sectoral All India Federations and Associations, gave a call to the working people to heighten the ongoing united struggles to the level of resistance against the desperate pursuit of anti-worker, anti-farmer, anti-people, pro-corporate and anti-national destructive policies by the Government of India which has brought the lives and livelihood of the entire people and the country's economy to the brink of disaster. The struggle now is not only to save the rights and lives/livelihood of people but also to save the country's economy and the entire democratic system and the society as a whole from disaster and destruction being engineered by the authoritarian forces in governance with the active support of private corporate, both domestic and foreign.

The situation has been deteriorating, from bad to worse. Phenomenon of increasing unemployment has been competing with faster pace of job-losses arising out of destruction and extreme degeneration of existing employment



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and livelihood avenues, throwing not only the working people in rural and urban areas but also the entire youth-student generations in a situation of futureless destitution and desperation. The earnings of overwhelming majority of people have been pushed below the human-survival level - during the two-three months of the second wave of Covid from April 2021 onwards, the earnings of 23 crore workers have been pushed down to much below the prevalent statutory minimum wage level, which is already below the standard for human survival.

As a consequence, intensity of hunger, that too among the working people, has increased alarmingly, bringing India further down to 101 rank in Global Hunger Index out of 107 countries and our country is trailing much behind our neighbouring countries in this regard.

Each and every policy drive and action of the present government at the centre is aimed at continuously squeezing the human survival entitlement of the people only to benefit the handful of private corporate, both domestic and foreign and those in governance. Even health services entitlement has not been spared by the privatisation-deregulation spree of the government as has been witnessed in the procession of deaths during the pandemic, particularly during second wave when common people died more for want of oxygen, hospital beds and medicine than due to Covid itself. The government had in the initial stage thrown the mass-vaccination drive in the hands of private and market forces, but subsequently had to retreat owing to pressure of public opinion. Still 25% of vaccines were left for private procurement and profiteering.

In the midst of such widespread impoverishment and hunger, pushing almost half of the populace below the destitution level poverty line and prices of essential commodities skyrocketing to unbearable level. Price rise is not just happening, it is being made to happen by the government's atrocious discriminatory taxation and other policies, only to benefit the big-

business/trader/corporate section of society. The prices of petrol, diesel, cooking gas and other fuels are increased almost on daily basis by the present reckless taxation regime which is having cascading impact of price rise in all other commodities, public transport and other services. Almost half of government revenues are coming from taxation on fuel. High indirect tax-rates through GST mechanism on essential daily requirements, increasing user charges of almost all public utilities including health, medicine, education etc. are further adding fuel to fire - all contributing to increasing intensity of hunger and distress among the mass of the people.

Simultaneously and shamelessly enough, the government of the day has been continuously lowering the corporate tax rates, abolishing the wealth tax, declaring moratorium on payment of charges/taxes payable by corporate and moratorium on debt repayments by the same willful defaulter corporate/big-business community, who actually gained a fortune during this crisis ridden pandemic period by way of increasing their wealth by more than 40 per cent - all at the cost of misfortunes and miseries of majority of working population. The distribution of GDP, created by the working people only, is brazenly discriminatory against them, with the richest 1% cornering more than 70% of the same and lowest 50% of populace getting less than 10%. The government has in fact waged a war against the common people only to serve their corporate masters. Its arrogant refusal to meet at least the basic human survival requirement of the common people by way of free ration and a bare minimum income support of Rs. 7500/- per month to all non-income-tax paying households as demanded by the joint trade union movement, as well as, drastically curtailing MNREGA, ICDS and other Social Security allocations on the pretext of their coffers being empty, are all reflections of such inhuman criminality.

In the midst of this horrifying situation for the country and the people, the Government at



the centre has been hastily pushing through its project of all-out reckless privatisation through multi-pronged routes of all national productive assets and PSUs including mineral resources, financial institutions like banks and insurance, security sensitive sectors like defence production and major ports, petroleum and natural gas, railways, airlines and airports, electricity, steel, engineering, highways, telecom and postal services, selling 500 coal blocks and so on. And to facilitate privatisation and at the same time, to benefit the debt-defaulting corporate, the govt. has legalized pilferage of bank funds by them through debt-route by enacting Insolvency Bankruptcy Code, 2016, and further amending it to allow the debt defaulter to move free without repayment of large part of their debt and compel the banks to forego the amount in the name of “haircut”. It is to be noted that the workers involved in such cases are not allowed any representation in the decision-making process. The latest move is the amendment of the Bank Nationalisation Acts for privatizing the banks in favour of the same defaulter-corporate community, for which the Bills are going to be introduced in the forthcoming Winter Session

of Parliament.

The audacity of privatisation has gone to such heinous extent that in its latest move, government has decided to handover almost all infrastructural assets, built by public funds over past seven and half decades, to private hands, virtually free of cost, for making money out of the same, in lieu of its minority shares to government. It is called the National Asset Monetisation Pipeline Project (NMP). Besides loss and destruction of these infrastructural assets, this will inevitably increase the burden on the people through reckless increase in user charges by those private corporate for free fortuitous profit without any investment. Can criminality and cronyism go further? Or should such plunder of our national assets be allowed to happen? This process is also taking away constitutional right of reservation in government jobs for Dalits, tribal and other downtrodden sections of society.

Privatisation spree is not limited to production and services sectors alone. Through mass scale contractualisation and outsourcing of work in most of the government departments and

administration, entire governance system is being planned to be privatised. In fact, the slogan of the Modi Government for minimum government and maximum governance is being executed by privatising the entire government machineries and establish the absolute grip of the corporate class on the entire governance. The employees' movement in central government and state governments and also the municipal administrations in most of the states are facing this onslaught. The pension/social security savings of the people and employees are not being spared from such exercise of loot by private corporate. The government employees, both central and state, have been subjected to tremendous loss through the National Pension System (NPS). This was also made applicable to common people through contributory mechanism. Now the entire fund with NPS, both for the government employees and people are being taken out of the supervision and regulatory control of Pension Fund Regulatory and Development Authority (PFRDA) by amending PFRDA Act in order to put the entire NPS fund under a corporate entity or a Society registered under Societies Act with virtually no government control, thereby leaving the huge amount of pension/social security savings of the employees and the people for boundless speculation, endangering even the meagre pension available under NPS. Under neoliberalism, the spree of loot and plunder of people can go to any nefarious extent.

In the same brazen fashion, country's agricultural sector, providing livelihood to more than 60% of our population is being sought to be plundered in favour of handful of corporate through enactment of three Farm Laws - designed for ultimate corporate take-over of land and entire agricultural sector. The food security of the people is going to be a big casualty, besides promoting essential commodity speculation to an atrocious extent, contributing to unmanageable inflation, and price rise terribly affecting the entire population, not merely the agricultural community, which will be the first victim.

The working class movement is fully aware of this atrocious and destructive policy regime and has been struggling against it continuously since the very beginning. And farmers' organizations and their joint platform have also been fighting against these policies; and their almost year-long historic struggle around the borders of Delhi demanding repeal of the Farm Laws, the Electricity (Amendment) Bill and enactment of statutory MSP and other issues with simultaneous joint agitations and actions throughout the country along with the workers and trade unions have changed the dimension of the united struggle of the entire people against the anti-national destructive policy regime to a new height. The government has remained arrogantly unresponsive. Farmers' struggle is going on combating all offensive by the government and its agents, latest being the killing of farmers at Lakhimpur Kheri, allegedly by a Minister's son, against which the workers and peasants of entire country have registered strong countrywide protest.

We, the workers' and peasants' movement together, must carry forward this struggle to its logical conclusion of decisive defeat of this retrograde policy regime, their perpetrator corporate class and their agents in governance. "To Save the People and Save the Nation" must be the battle cry of our Mission India.

No doubt, there are challenges before the working class movement but we are carrying on our united struggles combating those challenges.

Along with the destructive authoritarian measures in economic policy front, the government has been overactive in gradually demolishing the democratic governance structure, trampling underfoot all constitutional norms, including basic parliamentary provisions as well. Most retrograde UAPA has been enacted and any opposition and dissent to their policies is sought to be suppressed by the government through arrests, detention under sedition clause, and reckless abuse of CBI, ED, NIA etc. thereby creating a reign of terror. Simultaneously, the machinations by government-sponsored

communal divisive forces have been acting overtime to divert peoples' attention to non-issues and divide and polarize the people on communal-casteist lines.

Labour Codes are enacted by way of repealing 29 existing labour laws and the Codes are aimed at completely demolishing and altering working conditions, rights at workplace and trade union rights in favour of the employers' class. The government has further gone ahead in enacting Essential Defence Service Act in further curbing and overriding the provisions on right to collective agitations and strikes in defence production while empowering government to extend such prohibitory curb to any segment of industry and service on the plea of its linkage with defence sector production. It was nothing but a design of imposing conditions of virtual slavery on the working people to ensure "ease of doing business" for their corporate masters, both domestic and foreign. The rules of labour codes which have in many cases gone further beyond the provisions of Codes in curbing labour rights, are being unilaterally finalized by the central government and also in many states ignoring the opposition by trade unions.

In such a situation of ongoing authoritarian machinations regarding the governance of the economy, political system and the entire society as such, working people must heighten their united intervention to demand a halt to this process of assault on lives and livelihood, employment, alarming intensity of impoverishment and hunger, assault on democracy and unity of the people and thereby save our dear nation from disaster. The Joint Platform of Central Trade Unions have to take the frontline and decisive role to build towering resistance to this destructive and disastrous corporate driven regime. We have to demand from all political parties of the nation to incorporate "protection of right to work, living wage, free quality health and education to all citizens and all legitimate constitutional rights" in their political manifestos for the coming assembly elections in 2022 and for

the elections scheduled for 2024 and take oath publicly to fulfill their assurances and to support the demands of workers, farmers and all people of the country if they come to power. The sudden drop in petrol/diesel prices now has more to do with debacle faced by the ruling party in the centre in the recent bye-elections than the crises faced by the people. Now it is the turn of the ruling regime to find itself in crises in the coming period.

We have to heighten our struggle resolutely pressing for our demands, particularly for

1. Scrapping the Labour Codes;
2. Repeal of Farm Laws and Electricity (Amendment) Bill;
3. No to privatisation in any form and scrap the NMP;
4. Food and income support of Rs. 7500 per month to non-income tax paying households;
5. Increased allocation for MNREGA and extension of Employment Guarantee Scheme to urban areas;
6. Universal social security for all informal sector workers;
7. Statutory minimum wage and social security for Anganwadi, ASHA, Mid-day meal and other scheme workers;
8. Proper protection and insurance facilities for frontline workers serving the people in the midst of pandemic;
9. Increase in public investment in agriculture, education, health and other crucial public utilities by taxing the rich through wealth tax etc. in order to revive and revamp the national economy;
10. Reduction in Central Excise duty on petroleum product and concrete remedial measure to arrest price rise;
11. Regularisation of contract, scheme workers and equal pay for equal work; and
12. Scrapping of NPS and restoration of Old

Pension Scheme (OPS).

The above demands are along with other ones already formulated and being pressed for by the Joint Platform of CTUs and Federations/Associations.

Action Programme

Massive demonstrations on 26th November 2021 throughout the country on the completion of one year of last countrywide general strike against the anti-people and anti-national policy regime and the historic Farmers March to Delhi. Efforts should be made to coordinate with the peasants' organizations to have joint demonstrations wherever possible.

State level joint conventions in all the states to plan for further joint activities including district/area level joint conventions during November/mid-December 2021.

Joint meeting of public sector unions

Intensive and extensive joint campaign against the policies up to the grassroot level through joint meetings, general body meetings, signature campaign and any other forms to be decided at state level during December 2021 - January 2022.

State/District/Sector level agitations through rallies, demonstrations, jaathas, day-long dharnas, multiple days mahapadav (continuous sit-ins) etc. to rouse the people for strike action till mid-January 2022

Two days countrywide General Strike during the Budget Session of Parliament in 2022 (dates to be decided).

The National Convention calls upon the working people and common people in general to make the two-day countrywide General Strike a massive success to further heighten the ongoing united struggle to "SAVE THE PEOPLE AND SAVE THE NATION". ■



Delhi



Commemoration of one Year Of Farmers Protest by trade unions and farmers' organizations across India on November 26. After one year of relentless struggles by farmers, the fascist Modi regime retreated on Nov 19 and withdrew the three pro-corporate farm laws. More than 700 farmers have lost their lives in the course of the battle.

West Bengal



Bihar



Odisha



Karnataka



Say a Loud No to Bank Privatisation

★ SOMENATH GUHA



The winter session of parliament is beginning on November 29. This session is likely to take up the key financial issue of privatisation of banks. During 2021-22 budget, the Finance Minister Nirmala Sitharaman had announced the privatisation of two nationalised banks and one general insurance company. Accordingly, the General Insurance Business (Nationalisation) Amendment Bill, 2021, was passed in the monsoon session, though the particular insurance company to be privatised had not been identified. Similarly, in this session, the Banking Regulation Act, 1949, and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and 1980, are slated to be taken up for amendment. This will pave the way for privatisation of banks. Lot of speculation is going on as to which two banks will be privatised. Names of four banks are doing the rounds -Central Bank, Indian

Overseas Bank, Bank of India and Bank of Maharashtra, but according to reliable sources, while the amendments are likely to be placed on the table, identification of particular banks may be taken up later.

For quite some time the central government is on a privatisation and disinvestment spree. Its motto is : Government has no business to be in business. In February, Prime Minister Narendra Modi had announced that the government intends to sell 100 public sector companies, which will fetch Rs. 2.5 lakhs crores. In future, government will have minimum presence in only four sectors -defence and atomic energy, telecom and communications, oil, coal and similar fuels and insurance, banking and other financial services. All the rest will be privatised or sold. He even went on to say that if buyers were not available, then companies/businesses will be summarily closed down. The government

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is ruthless; it doesn't care about the future and welfare of the employees of these PSUs.

Let's focus on bank privatisation in particular. For the government, particularly since 2014, public sector banks have been a major concern. They regularly single out the mammoth amount of Non Performing Assets (Rs. 6,17,000 lakhs crores as of March 2021) in these banks and contend that these banks are a drain on the nation's economy. They say public banks are inefficient, the staff are casual and even allege that many of them are corrupt. Hence, they argue that these are no longer viable and most of them are beyond redemption.

The fact is the present mess of NPAs has been created by high officials in banks and the government and some corrupt ministers. Let this be known that advances above Rs. 100 crores is mostly processed and sanctioned by the highest officials, and the staff and officers have hardly any role in it. The highest bank officials are nominated by the government, who dole out huge loans to their cronies which after a certain period of time invariably turn bad. It is this unholy nexus which is squarely responsible for the huge amount of bad loans. Bank unions, particularly AIBEA (All India Bank Employees Association), have pointed this out time and again but to no avail. Years ago, AIBEA had drawn up a list of 2426 companies who owe the banks a whopping amount of Rs. 1.47 lakh crores. Even after repeated demands to apprehend these defaulters the government has done nothing.

The government contends that it has infused Rs. 4.50 lakh crores of capital into the PSBs since 1994. The fact is that a bulk of this capital is periodically siphoned off to finance the lackeys and cronies of the highest officials. Now they have resurrected an old concept of 'bad bank' which had turned out to be a failure years ago. This has been done for a specific purpose. Government wants to privatise but nobody wants to buy a unit which has a baggage of bad loans. So, NPAs of banks are shifted to this bad bank, their balance sheets are cleared so that

they become lucrative for potential bidders.

What will the bad bank do with this mammoth amount of bad debts? Usually they sell these assets at a much lower rate, quite similarly to what has happened in the case of Air India. There is also the 'Insolvency and Bankruptcy Code' which is used to bail out defaulters. Here we can examine the case of Videocon which had been a reputed brand selling electronic goods in the recent past. This company had a debt of Rs. 46,000 crores in the market, and unable or unwilling to repay, it declared itself insolvent. Its assets were sold to Vedanta for a paltry sum of Rs. 3,000 crores and rest of the debt was simply written off. This is the gist of how capital of PSBs is being looted rendering them sick.

From time to time, mandarins in the finance ministry have a brainwave and want to rectify this situation. They come up with the idea of creating big banks. They mourn that the SBI is the only entity among the 50 largest banks in the world; so they merge and consolidate some of the banks into larger ones. In the process, 27 PSBs are reduced to 12, causing immense hardship to the staff and the customers. Many bankers are forced into a situation where they have to opt for VRS, many are arbitrarily transferred. Computer software of different banks have to be matched which lead to hiccups going on for months, hampering customer service. This again enforces the popular narrative that bank staff are inefficient.

After this process has been done away with, they return to their pet theme of 'privatisation'. For them privatisation is the panacea for all the ills that afflict the banking system, including the chronic problem of NPAs. How good or effective is privatisation? For this, we can cast a glance at the period before bank nationalisation in 1969, the heydays of private banks. In the period between 1935, when RBI was formed, to the year of independence, there have been 900 bank failures. From 1947 to 1969, 665 banks failed. Every bank failure was a catastrophe for the customers as many of them lost their entire deposits. After nationalization, 36 banks

failed but they were rescued by existing PSBs. Many of us would surely remember how the failing United Industrial Bank was rescued by Allahabad bank in 1989; similarly, in 2004, Global Trust Bank was saved from collapse by its merger with the state-owned Oriental Bank of Commerce. Even in recent times it is the private banks which have been on the brink of collapse. When IDBI Bank and YES Bank were in crisis LIC and SBI rescued them by purchasing almost the majority of their shares. Laxmi Vilas Bank, almost a century old, was rescued by Development Bank of Singapore. In this way, the government cleverly turned an adverse situation into an opening for foreign capital in the banking industry. The promoters of Punjab and Maharashtra Co-operative Bank have been so profligate that it has been under the strict vigilance of RBI since 2019. Its customers have had to face enormous difficulties and some of them were driven to suicide.

So much for the efficiency of privatised banks. There is also a popular perception that customer service is better in private banks than in PSBs. Here accounts are usually opened with a minimum of Rs. 5000, which is beyond the means of 90% of Indian people. Hence, customer base of private banks is small and basically consist of well-to-do people. Private banks are

reluctant to open branches in remote areas; they are reluctant to finance weaker sections of the people. In terms of implementing government schemes, they are way behind the PSBs. Take for instance the Jan Dhan or zero balance accounts, the performance of private banks is much poorer than that of state owned banks; while the PSBs and rural banks opened 40.48 crores accounts, private banks opened only 1.27 crores. Hence, the perception that private banks mean quality is merely a myth peddled by a miniscule section of the population.

Well, this is a government of the tycoons, the ultra-rich and so they push the privatisation agenda time and again. The bank unions are not sitting idle either. According to Shri Kamal Bhattacharya, veteran leader of AIBEA, the UFBU (United Forum of Bank Unions) has decided that as and when the Banking Amendment Bills are tabled in the parliament, unions will go on strike within the period of the winter session. Preparations are in full swing. Signature campaigns against privatisation have been carried out even during the Durga Puja festival. This is one battle which the bank staff and customers have to confront together, hand-in-hand, shoulder-to-shoulder. Long Live Workers-Customers Unity! ■



Report of Survey Conducted Amongst ASHA Workers in Delhi

★ SHWETA RAJ

ASHA (Accredited Social Health Activists) workers are part of the National Rural Health Mission (NRHM) launched in 2005 to provide rural areas access to better healthcare facilities. ASHA workers form the backbone of this scheme. The scheme was initially designed to make sure that there is 'doorstep delivery' of health services to rural communities, and ASHA workers became the veritable foot soldiers of this scheme. The burden of reaching the homes of people in rural areas fell on the shoulders of ASHA workers. When the scheme was extended to urban areas, we now have more than 10 lakh women who are working as ASHA workers across the whole country.

Overworked, Underpaid, Unrecognised

As per the NRHM, ASHA workers are supposed to perform a mindboggling number of tasks which includes creating awareness around nutrition and sanitation, counselling women about safe delivery, breast feeding, contraception and prevention of common infections in young mothers and children. They are also expected to facilitate post and pre-natal check-ups and immunization as well as arrange for escort for women and the elderly in need of help to the nearest health centre. On top of this, they are expected to provide first-aid and medical care for diseases such as TB, and diarrhoea. They are also supposed to inform health authorities about the outbreak of disease in a locality or village, and work with panchayats to ensure that health care is provided to all. Women with a minimum qualification of passing their 8th standard are expected to do this after just twenty-three days

of training.

Despite being expected to perform the huge number of tasks listed above, ASHA workers continue to be called 'volunteers' and thus do not receive a salary. It is quite unbelievable that women are expected to perform such a huge number of specialised tasks without any fixed salary and job security. In nearly all states of India, ASHA workers are paid a paltry sum of Rs. 3000 as monthly honorarium. Because of the nature of the work they do, ASHA workers have to be 'on call' 24x7 since there is no fixed time for when someone falls ill or a woman has to give birth. In fact, the ASHA worker is termed as a volunteer because her work is seen as a supplement to the work she does at home. Also, by terming them as volunteers, governments have washed their hands off the responsibility to pay ASHA workers the legally mandated minimum wages. As a result, we have more than 10 lakh women employed as ASHA workers throughout the country who work on an average 10-14 hours every day throughout the year without any leave and are paid only Rs. 3000 per month. To top this exploitative nature of the work done by ASHA workers, very few of them across the country get this paltry sum, termed as honorarium, on time. There are reports from various states which show that payments to ASHA workers are often delayed by at least 2 months.

Since ASHA workers are not termed as workers, they automatically become ineligible to avail many social welfare schemes of the government. Even though in 2018 it was announced that they will be eligible for schemes such as the Pradhan

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Mantri Jeevan Jyoti Beema Yojana, the free cover under these schemes is only for a year, after which they would have to pay a premium. Apart from this, they are ineligible for any other scheme such as ESI and PF which provides security to workers. So the government, while using ASHA workers for several jobs, claims that the work they do for 12-14 hours a day is just voluntary, and just an addition to household work in the family. In other words, we have a highly exploitative system in place wherein the work women do as ASHA workers for nearly the entire day time is not recognised as a legitimate source of livelihood.

Bearing the Burden of an Underfunded Healthcare System

Despite the Modi government's hollow claims of 'Acche Din' and 'New India', the fact remains that large swathes of India's population do not have access to quality and affordable healthcare. The scenario is graver when it comes to healthcare of women and children.

The National Health Profile 2018, an annual report released recently by the Central Bureau

of Health Intelligence (CBHI), found that the Government of India spends just 1.3 per cent of its GDP for public healthcare, way less than the global average of 6 per cent. The per capita public expenditure by the government on health stands at Rs 1,112 - which amounts to a pitiful Rs 3 per day. India spends less per capita on healthcare than Nepal, Maldives, Sri Lanka and Bhutan.

In 2015, India accounted for as much as 40 per cent of the world's undernourished children. India has some of the worst rates of stunting and maternal and infant mortality in the world. According to the report, one allopathic government doctor in India, on an average, attends to a population of 11,082, which is 10 times more than the WHO recommended doctor-population ratio of 1:1,000. The situation is worst in Bihar where one doctor serves a population of 28,391 people. Uttar Pradesh similarly performs very poorly with 19,962 patients per doctor, and is followed by Jharkhand (18,518), Madhya Pradesh (16,996), Chhattisgarh (15,916) and Karnataka (13,556).

But the same report also mentions that India

has improved the infant mortality rate and maternal mortality rate (MMR). It is obvious that despite a severely underfunded public health system, the most important reason for the improvement in the MMR is the backbreaking job done by ASHA workers. JP Nadda, who was the then Health Minister and is now the President of the BJP, trumpeted the decrease in the MMR as an ‘achievement’ of the Modi government. He however did not say a single word to acknowledge the crucial role played by the ASHA workers in achieving this. Clearly, it is the ASHA workers (along with the Auxiliary Nurse Midwives or ANMs and Anganwadi workers) – the only ones providing any direct pre- and post-natal care to women and new-borns, facilitating institutional deliveries, treating diarrhoea which is the biggest killer of infants in India and advising on nutrition and breastfeeding – who deserve the credit for this achievement.

When it is convenient for the government, it will claim credit for the work done by the ASHA workers. However, till now not a single demand of ASHA workers across the country (such as giving them the status of government employees and providing them with job security) has been accepted by the government. The work done by ASHA workers, which ensures that lakhs of young mothers give birth safely and young children do not suffer because of infections, remains till date unrecognised and severely underpaid. ASHA workers remain perennially overworked as the work they have to do is only increasing day by day.

Covid Pandemic Exposes Exploitative Nature of Work of ASHA workers

When the Covid pandemic hit India in early 2020 we could not have been more ill prepared. Even though the first case was detected in the country in January 2020 itself, Modi held a huge gathering to welcome the then US President Donald Trump in Ahmedabad. When the lockdown was announced in March,

the healthcare system simply did not have enough preparedness to deal with the pandemic. Unsurprisingly ASHA workers were given a large number of responsibilities in addition to the already mindboggling number of things that they were expected to do in the normal course of their work. Covid necessitates intensive ground-level monitoring, and since ASHA workers are supposed to provide ‘last mile connectivity’ in the public health system, their workload increased significantly.

Throughout the pandemic, ASHA workers have been working as frontline workers against the coronavirus outbreak – performing important tasks such as disease surveillance, reaching out to infected patients with medicine, conducting daily temperature checks in neighbourhoods, monitoring home quarantine and encouraging people to get vaccinated against the virus. They have been made to do most of the grunt work in the public health system during the pandemic, with little or no pay and zero recognition of the risks they have undertaken in the process. They have put their own lives in danger while carrying out their responsibilities. An overwhelming number of ASHA workers across the country did not even get basic equipment such as masks, face shields, gloves and sanitizers during the pandemic. On top of being perennially underpaid, receiving just Rs. 3000 as honorarium for their regular work, they received a pittance of Rs. 1000 as ‘bonus’ for the extra work they performed during the pandemic. The surveillance carried out during the pandemic meant that ASHA workers would have to travel large distances. Yet not a single ASHA worker throughout the country has received any travelling allowance. Despite this, they have received scant recognition for the crucial role they performed as frontline workers.

The pathetic treatment that ASHA workers have endured throughout the pandemic is borne out in a survey that was carried out by Oxfam. The survey was conducted in the states of UP, Odisha, Bihar and Chhattisgarh. The results of the survey only confirm what trade unions

have been saying since the beginning of the pandemic. The Oxfam survey found that at least 25 per cent of ASHA workers did not receive even basic necessities such as sanitizers; only 23 per cent received PPE body suits. Two-thirds of ASHA workers have not received the Covid bonus that was promised to them, while less than 50 per cent received monthly honorariums on time. During the pandemic, ASHA workers, because of the nature of their work, were often subjected to forms of discrimination. The survey revealed that 33 per cent of ASHA workers faced discrimination and violence.

The mental health of ASHA workers is never taken into consideration. For many of the women, their work as ASHA workers is directly linked to their survival. This means that they continue working under tremendous mental stress and trauma. ASHA workers who have lost children and family members are not even given paid leave to spend time grieving for those who have left them. But the working conditions and the socio-economic conditions from which ASHA workers hail make it impossible for them to quit their jobs. ASHA workers are quite often the only earning members in the family. No government has ever bothered to find out about the enormous amount of mental anxiety and stress that ASHA workers suffer.

Survey of ASHA Workers in Delhi

The national capital was one of the worst hit regions during the second wave of Covid, with nearly 30,000 cases and 450 deaths a day at its peak. With hospitals overflowing from the load of patients and shops running out of medicines, the ASHA workers were the frontline workers on the ground, monitoring patients daily. Even though the second wave has ebbed, they have not yet got their bonuses. If this is the case in the national capital, one can imagine the situation in the rest of the country. We have placed in this report two case studies of how during the Covid pandemic ASHA workers and their families were left to fend for themselves. They received absolutely zero support from the government. In both the cases, the government

denies ASHA workers and their families any compensation. If an ASHA worker loses a family member, she does not get any support from the government; if an ASHA worker dies then the family does not get any compensation. The basic takeaway from this is that ASHA workers and their families have had to fend for themselves during the pandemic, despite ASHA workers being frontline workers.

To highlight the apathy with which they are regarded, the Delhi ASHA Kamgaar Union (DAKU) affiliated to All India Central Council of Trade Unions (AICCTU) conducted a sample survey of over 200 ASHA workers across 10 dispensaries in Delhi, covering around 20 localities. The findings of the survey paint a stark picture of the underpaid and exploitative working conditions that ASHA workers have to face day in and day out. It also shows that scant respect is paid to the labour of ASHA workers who work in undignified work conditions. The important findings of the survey are as follows:

- Nearly all the respondent ASHA workers said they have no fixed working hours and are on call 24x7, which means they are perennially on standby mode to respond to any emergency. While they are on call throughout the day, they receive no allowance for this.
- 86 per cent of the respondents said they do not receive a fixed remuneration for the work they do. This is despite the fact that ASHA workers who were surveyed had an average work experience of 6.5 years working as ASHA workers. This clearly means that the problem of not receiving any fixed remuneration is a long standing one.
- Most ASHA workers are supposed to receive Rs. 3000 per month as honorarium. This is much lower than the legally mandated minimum wages for workers. The sheer cruelty of this becomes starker when seen along with the finding of the survey that 30 per cent of the respondents said they are the only earning member in the family, which means their family survives on the Rs. 3000

they earn as honorarium.

- In addition to the pittance they receive as pay, 66 per cent of ASHA workers surveyed said some amount is regularly deducted from their monthly pay on some pretext or the other.
- All ASHA workers said they performed duties other than child health and maternal health care during the pandemic. They were asked to monitor home isolation and conduct surveys during the pandemic.
- On an average, each ASHA workers covered 550 households as part of their work during the Covid pandemic, performing a variety of tasks. For this work, they received an average of Rs. 180 per ASHA worker. This shows that the remuneration paid to ASHA workers is completely arbitrary and irregular.
- 90 per cent of the respondents said there are no restrooms available for their use in the dispensaries.
- About 45 per cent of ASHA workers said they regularly face misbehaviour and harassment from their superiors at their workplace.
- 85 per cent of respondents said they did not receive any gloves. 67 per cent said did not receive any mask and 75 per cent said they did not get any sanitiser to perform their work related to the coronavirus.
- Family members of many ASHA workers were infected with the virus both in the first and the second wave. However, barring a few exceptions, ASHA workers got no help from the government for their treatment.
- While ASHA workers are supposed to be paid Rs. 1000 as Covid allowance, which in itself is a criminally low remuneration, many do not get that regularly. In the survey, it was found among the respondents that only 30 per cent of ASHA workers received the Covid allowance regularly.

From the above findings, a clear picture emerges of the underpaid and exploitative nature of the work that ASHA workers do. Trade unions of ASHA workers and trade unions in

general have been saying it for years that ASHA workers are one of the most underpaid and overexploited members of the working class.

Betrayed Promises

Noorma Naaz was an ASHA worker working at the Mustafabad dispensary in North East Delhi. She hailed from a lower middle-class family. Noorma Naaz succumbed to Covid on 24 April 2021 at the height of the second wave of Covid while performing her duties as an ASHA worker.

Naaz's family informed DAKU that when she received the vaccine, she was a bit hesitant because she had an artificial valve in her heart. Doctors told her not to worry and advised her take the vaccine, after which she took the shot. A few days later, she started feeling unwell and realised that her blood was clotting. The doctors at GB Pant Hospital told her that she needs a new valve in her heart due to the clotting that had happened. While preparing her for surgery, she took a Covid test and found that she was positive and was told to go the Covid ward. On seeing the pathetic situation of the Covid ward, where patients were sharing beds with dead bodies, her family brought her home. When her condition worsened, her family, like many others in Delhi, scoured nearly the entire city to look for an oxygen cylinder and then oxygen itself. By the time they managed to make arrangements, it was too late.

While the Delhi government had announced that any frontline worker who died during the second wave would get Rs 1 crore as compensation, Naaz's family is still waiting for any help, monetary or otherwise, from the government. She has three young children aged 14, 10 and 8 respectively. Her husband told DAKU representatives who visited the family that not a single person from the dispensary where she worked called to find out how she was doing or offered to help. The family was left to manage the horrific situation on their own. After her death, Naaz's husband has visited the dispensary many times to ask if they would get any compensation so that her children's future can be secured. He has not received any answers

from them as of now.

Delhi ASHA Kamgaars Union has written multiple times to the Delhi Health Minister and Chief Minister asking them to give Rs 1 crore to Noorma Naaz's family as per the announced policy, but till now there is just silence.

Underpaid at Work! Unrecognized at Home!

Most ASHA workers without exception also have to do the bulk of the work necessary to run a household. But this never gets counted as part of the work they do. In fact, the work at home which includes an equally mindboggling number of tasks such as cooking, cleaning, looking after children and the elderly and many others is never even taken in to account while considering the work hours of ASHA workers. As a result, it is just assumed that women ASHA workers will be available throughout the day to attend to patients. And like the work of ASHA workers at home is never paid and recognized, their work as ASHA workers is never 'done' and poorly paid. This is the case with women across the country. As the economist Jayati Ghosh has observed, the work of ASHA workers is never considered work and hence they are paid an honorarium, a kind of payment which is usually paid for working on a part-time basis. But as we know, ASHA workers are on call 24*7 akin to any frontline health worker. Nevertheless, they are not considered employees and hence they are not paid a salary. It is indeed ironic that the ASHA scheme, which was touted as India's answer to the problem of unequal access to health care, has ended up creating another system of inequality where more than 10 lakh women across the country work 24x7 without a break and are paid barely Rs.50 a day.

Since ASHA workers are considered part-time workers, they are not taken seriously by doctors in the various dispensaries where they work. The results of the survey in Delhi show us that ASHA workers regularly face humiliations at the hands of medical staff in dispensaries. The work done by them is considered unimportant and

they are considered fair game. This is evident from the fact that dispensaries do not have toilets which ASHA workers can use.

ASHA Workers Struggle in Delhi

The Delhi ASHA Kamgaar Union, while highlighting the appalling treatment and work conditions of ASHA workers in Delhi, has also been engaged in providing ASHA workers safety kits. During the second wave, the DAKU distributed safety kits to at least 500 ASHA workers in Delhi. In cases where workers were facing acute problems in the family, ASHA workers were also given ration kits to help them tide over distressing times. The Union has held protest demonstrations across the city in various dispensaries, raising their basic demands with both the State and Central governments. The Delhi ASHA Kamgaar Union has written to the Health Minister and Chief Minister of Delhi and also to the Union Health Ministry about their demands. A delegation has also met Delhi MLA Dilip Pandey, asking him to facilitate a dialogue of ASHA workers with Health Minister and Chief Minister. The ASHA workers are still waiting to hear from the government.

Prime Minister Modi is very fond of holding his Mann Ki Baat, but rarely does he listen to the Mann Ki Baat of citizens. ASHA workers in Delhi have been undertaking a campaign of sending postcards to the Prime Minister with their Mann Ki Baat, listing out the demands that they have been making for a long time and telling the PM that they have had enough and their rights should be ensured. The demands being raised by the ASHA workers are as follows:

ASHA means hope in Hindi. In rural areas and working-class localities in large cities, ASHA workers are literally bringers of hope as they are the first to be contacted by people in case of a medical emergency. This is because people are familiar with ASHA workers who they meet nearly on a daily basis. But our governments' treatment of ASHA workers is nearly inhuman and the Covid pandemic has proven that beyond doubt. Despite being dubbed

as frontline workers, they and their families are left to fend for themselves. ASHA workers do not need flowers showered on them from helicopters as part of a political gimmick. They are demanding and they should be granted their right to dignified pay and work conditions.

1. ASHA workers should be given the status of Govt employees.
2. ASHA workers should receive a minimum pay of Rs. 26,000/- per month.
3. Family of ASHA worker Noorma Naaz who died during the second wave in Delhi should receive rightful compensation.
4. ASHA workers must be provided with fully paid maternity leave and medical leave.
5. The additional corona allowance must be immediately disbursed to ASHAs.
6. ASHA workers should receive Rs. 10,000/- per month as Corona allowance.
7. To prevent sexual harassment at workplace of ASHAs there should be a district level gender cell.
8. ASHA workers should not be subjected to humiliation and insults in dispensaries. Circular should be issued to all officials to prevent this.
9. There should be a facility like a 'common room' for ASHAs in all dispensaries, where ASHA can sit.
10. Working hours of ASHAs must be specified and the number of tasks to be done by ASHAs must be reasonable.
11. Family members of ASHAs should receive free health treatment.
12. Full payment should be made to ASHAs who have not been able to work during the Covid pandemic due to being infected with Covid.
13. Points based incentive system for ASHAs should end. ■



The Story of Tripura Under the BJP Rule

★ SUCHETA DE

Communal Violence against Muslims and the Subsequent Use of UAPA for Hiding the Truth from the World



A copy of the Quran with pages burnt lying amid the ashes after the violence that erupted on October 19 in Tripura.
(Photo: Swarna Jha)

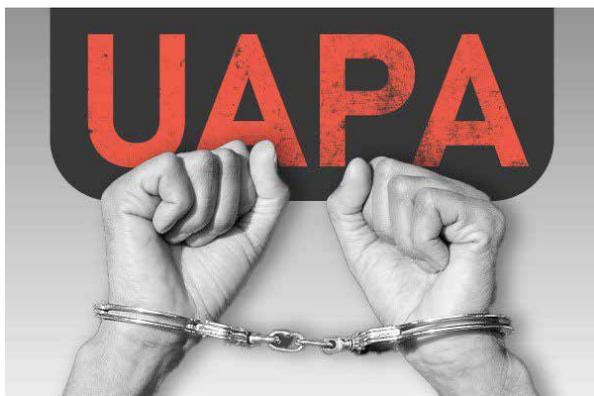
Tripura has been burning under the state terror and violence since the BJP assumed power in the state in 2018. The beginning of the BJP rule in Tripura was marked by repeated violence against political opposition, burning down of offices of Left parties and vandalizing symbols of tribal assertion. Given this backdrop of state-sponsored terror, it is not surprising that Tripura continues to see waves of state violence. The latest in this saga is orchestrated anti-Muslim violence and attacks on mosques and other Muslim establishments in the month of October this year.

Located far from the gaze of national

attention, these violent incidents spread to different parts of northern Tripura. As various news reports suggest, these communal attacks were unleashed by miscreants who took part in rallies called by the Vishwa Hindu Parishad and the Hindu Jagran Manch. The country has seen similar patterns of anti-Muslim violence elsewhere too, where violence is unleashed after provocative and hate-spewing speeches given by activists and leaders associated with the RSS-BJP-VHP network. The communal riot in February 2020 in north-east Delhi started just after the BJP leader Kapil Mishra called for physical action against anti-CAA protesters. Hate and violence are the markers of the BJP

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rule all over the country today.

Use of UAPA to Suppress Facts

The Tripura police, that failed to contain anti-Muslim violence, started acting promptly to silence all attempts by journalists, lawyers and civil society members to bring facts to light. Four members of a fact-finding team of lawyers consisting of Supreme Court advocate Ehtesham Hashmi, Mukesh Kishore from AICCTU, Amit Shrivastava from Lawyers for Democracy and Ansar Indori from NCHRO were slapped with clauses of UAPA (Unlawful Activities Prevention Act) and several other sections IPC (Indian Penal Code). As citizens of this country and defenders of law, these advocates conducted a ground level fact finding into the targeted communal violence in Tripura. Journalist Shyam Meera Singh has also been slapped with UAPA for posting ‘Tripura is Burning’ in twitter in the context of the communal violence in Tripura.

Subsequently, reports of UAPA charges on 102 people for posting in social media came to light. Around mid-November, two journalists Samridhi Sakunia and Swarna Jha were arrested by the Tripura police when they went to rural Tripura for reporting on the violence. The Tripura Police crossed the state border and arrested these two journalists from Assam. Such is the desperation to silence ground level reporting of facts. The arrest of the journalists was made based on a FIR filed by the same Vishwa Hindu Parishad that indulged in anti-Muslim violence in the end of October.

AICCTU-AISA-AILAJ, along with other

progressive organizations, raised their voices against the politically motivated framing of lawyers, journalists and civil society members under the UAPA. People from all over the country also protested against the vindictive arrest of two journalists. Subsequently the Supreme Court gave relief to the lawyers and journalist Shyam Meera Singh from arrest till further notice.

UAPA: A Tool to Strangulate Voices Critical of the Party in Power

The slapping of UAPA on lawyers, journalists and civil society members by the Tripura police is part of a pattern of the use of this draconian law to serve the political interests of the ruling regime.

In a series of incidents of hate crimes against Dalits, Muslims and working class, all conducted under the implicit protection of the ruling regime, UAPA has been invoked to protect the real criminals and imprison voices of justice.

Dalits were attacked by right-wing goons holding the saffron flag in hand in Maharashtra’s Bhima Koregaon on 1 January, 2020. The masterminds of the anti-Dalit attack, Sambhaji Bhide and Milind Ekbote, both close to BJP, are roaming free. The central government has rather slapped UAPA charges on several Dalit rights activists and trade union leaders and has imprisoned them for years. Such is the vindictiveness of the BJP regime that octogenarian activist father Stan Swamy was denied bail even when he was terminally ill and subsequently died in custody.

Anti-Muslim violence in north-east Delhi in February 2020 was followed by the arrest of several anti-CAA protesters, while the BJP leaders like Kapil Mishra who provoked the violence are roaming scot-free. UAPA was rampantly used against voices who spoke out against the dangerous design of CAA-NPR-NRC. Umar Khalid, Sharjeel Imam, Meeran Haider, Gulfisha, Ishrat Jahan and several other activists are imprisoned under UAPA even when the courts have time and again raised questions over the charges framed by

the police. In the early months of 2018, 5 contractual workers at the Reliance Energy Ltd. and members of the Mumbai Electric Employees Union were arrested under UAPA. These workers were incarcerated for demanding regularisation of work and other basic right of the working class.

Should UAPA Exist in the Book of Law in a Democracy?

It is clearer than daylight that the sole use of UAPA is to unfairly persecute a

person at the whims of the ruling power. It is a denial of the most fundamental principles of justice. Under UAPA, the police gets a much longer period of 180 days to file chargesheets against the accused. The UAPA also provides for denial of bail to an accused if the court finds “reasonable grounds for believing that the accusation against the person is prime facie true”. This essentially means that even if the version of the police is untrue and evidences

forged, bail to the defendant can be denied. There are numerous evidences of the political use of police force by the ruling party for their sectarian interests. How can so much power be given to mere accusations, politically motivated in most UAPA cases, at the cost of freedom of a person? Can such blatant denial of fundamental right to justice and freedom be allowed in a democracy? The answer is a resounding NO. ■

Central Trade Unions Call for Two-Day Nationwide Strike During the Budget Session of Parliament

The National Convention of Workers was held on 11th November 2021 at Jantar Mantar, New Delhi, under the banner of Joint Platform of Central Trade Unions and Independent sectoral all-India Federations and Associations. The convention began with paying homage to many tall leaders of the Central Trade Unions, Federations/Associations, prominent persons in public life who died during Covid-19 period, the farmers who lost lives during the year long historic kisan agitation, including the recent Lakhimpur Kheri killings, and those people who died because of hate crimes, etc.

The convention was notably attended by the delegation of Samyukt Kisan Morcha in solidarity with the working class. The convention called upon the working masses to make the nationwide demonstrations a big success on the day of 26 November 2021- the first anniversary of historic farmer’s movement and the last general strike of the working class.

The speakers included Rajiv Dimri, General Secretary of AICCTU, Ashok Singh, INTUC, Amarjeet Kaur, AITUC, Harbhajan Singh Sidhu, HMS, Tapan Sen, CITU, Satyavan, AIUTUC, G. Devrajan, TUCC, Sonia George, SEWA, J.P. Singh, LPF and Shatrujeet, UTUC.

The presidium included Shailendra K Sharma, Vice-president of AICCTU, apart from leaders of other central trade unions.

The convention called upon the workers to take the message down to the masses through intense activity in the states and districts, factory gates and so on and prepare the working class and common people in general to make the two-day countrywide General Strike during forthcoming budget session of Parliament (session starting from 1st February 2022) a massive success to further scale up the heightening ongoing united struggle to “SAVE THE PEOPLE AND SAVE THE NATION”. ■



Labour Code Series

Redressing Grievances of Workers

New Mechanisms under the Industrial Relations Code

★ AVANI CHOKSHI

In this series, various changes sought to be brought in by the proposed labour codes are being discussed. It comes as no surprise that the Codes, brought in clearly show the corporate nature of the state. While issues such as the overbroad exemptions, the excessive delegation and the definitional changes have been discussed previously, this note considers the changing face of the grievance redressal machinery in the Industrial Relations (IR) Code.

This machinery, now contained in the Industrial Disputes Act, 1947, has its roots in the highly repressive Trade Disputes Act, 1929. We remember that in April 1929, Bhagat Singh and Batukeshwar Dutt had thrown smoke bombs in the Parliament protesting the 1929 Act. By 1947, the working of the colonial 1929 Act was found to be defective and the statement of objects and reasons of the ID Bill stated :

Experience of the working of the Trade Disputes

Act, 1929, has revealed that its main defect is that while restraints have been imposed on the rights of strike and lock-out in public utility services, no provision has been made to render the proceedings institutable under the Act for the settlement of an industrial dispute.

The protections introduced in this Act were the result of a stated understanding that “industrial peace will be most enduring where it is founded on voluntary settlement” while recognizing the “obligation that lies on the Government to secure conclusive determination of the disputes with a view to redressing the legitimate grievances of the parties thereto”.

The ID Act is an imperfect law that provides some protections to workers while still not recognizing the full ambit of their rights in a self-proclaimed socialist country. However, having stood the test of time for over 70 years, it is now being sought to be repealed by the

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IR Code, which is blatantly anti-worker. The changes being brought in respect to the redressal mechanism are discussed here.

Limitation Period for Disputes and Removal of Reference System

At the outset, a major change that has been brought in is the introduction of a two year limitation period for raising a dispute before the conciliation officer, and a three month period for filing an application in the Tribunal after the conciliation report. This is significant in view of the settled law that in respect of reference of disputes, there is no limitation so long as the dispute subsists, though the court may mould the relief granted. Thus, the Supreme Court granted 60% backwages instead of full backwages in a particular case as a mode of “moulding relief” after a delay of 14 years.¹

The IR Code does away with the system of reference of disputes by the government to the Tribunal and Labour Court, and grants the workers three months to approach the Tribunal after the report of the Conciliation officer. No provision for condonation of delay has been included. Effectively, a number of legitimate grievances of workers would be barred purely on grounds of delay.

Insofar as individual grievances are concerned, the Code permits the worker to approach the Tribunal directly from the conciliation officer after 45 days. This is not limited to cases of termination of employment as in Sec. 2A of the ID Act. However, this seems to lose its relevance in view of the removal of the entire reference system. Importantly, again the period of limitation for such direct approach has been reduced from three years in the ID Act to two years in the Code.

Changes in Judicial Set -Up

Under the ID Act, the Labour Court and the Industrial Tribunals consisted of a single member who was either a judge of the High Court/District Court. Through amendment

in 2010, even a high level official with a law degree, at least seven years experience in the labour department including three years of experience as Conciliation Officer or an officer of Indian Legal Service in Grade III with three years experience in the grade would be eligible to be appointed as presiding officer.

As per the IR Code, a number of changes have been brought in to the judicial set-up:

Firstly, the Labour Courts are done away with and all matters would come before a Tribunal, except those that are referred to a national Tribunal. The Tribunal would now consist of a Judicial Member and an Administrative Member. No qualifications for appointment have been prescribed in the Code except that the Administrative member will not be below the rank of Joint Secretary.

Secondly, whereas the ID Act grants finality of constitution in respect of the single judicial member of the court/tribunal, the Code grants finality even to the appointment of administrative member. Therefore, the appointment of an Administrative Member cannot be called in question in any manner. It may also be noted that the disqualification of a member who is not independent has been retained in the Code, but "independent person" has been defined as “a person who is unconnected with the industrial dispute referred to a Tribunal or National Industrial Tribunal or with any industry directly affected by such dispute”. With this limited test of independence, and a bar on challenging appointment of members, there may be legitimate apprehensions about the bona fides, qualifications and suitability of an appointee.

Thirdly, and significantly, the Division Bench will sit jointly only in respect of five issues, being (a) the application and interpretation of standing order; (b) discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen dismissed; (c) illegality or otherwise of a strike or lockout; (d) retrenchment of

[1] *H.M.T. Limited vs Labour Court, Ernakulam And Ors. (1994) 2 SCC 38*

workmen and closure of establishment; and (e) Trade Union disputes. In respect of all other disputes, the administrative member or Judicial member will sit singly. Some of these other matters would include, inter alia,

- The propriety or legality of an order passed by an employer under the standing orders;
- Withdrawal of any customary concession or privilege;
- Wages, including the period and mode of payment;
- Compensatory and other allowances;
- Hours of work and rest intervals;
- Leave with wages and holidays;
- Bonus, profit sharing, provident fund and gratuity;
- Shift working otherwise than in accordance with standing orders;
- Classification by grades;
- Rules of discipline and
- Rationalisation

For all these matters, the administrative member is empowered to adjudicate alone. This is hugely dangerous and shift judicial power into executive hands, further blurring the separation of powers. This is especially concerning in view

of the fact that the appointment of said member cannot be challenged.

In conclusion, it must be remembered that the industrial adjudication has been repeatedly used as a tool of social justice. As Justice Gajendragadkar held in 1962,

“The concept of social and economic justice is a living concept of revolutionary import ; it gives sustenance to the rule of law and meaning and significance to the ideal of a welfare state. It is on this concept of social justice that the formula in question has been founded and experience in the matter of industrial adjudication shows that, on the whole, the formula has attained a fair amount of success.”²

Unfortunately, the plain text of the proposed Code shows not only dilution of protections available to workers but shows a disregard to social justice. This is not something new - with soaring social and economic inequality, the ruling dispensation has repeatedly adopted anti-people policies. We must take inspiration from the victorious struggle against the anti-people farm laws introduced by the Union government to equally ensure that the unconstitutional and anti-people Labour Codes are done away with. ■

[2] *The State Of Mysore vs The Workers Of Gold Mines 1958 AIR 923*



"Make Amazon Pay": AICCTU Stands in Solidarity with Amazon Workers' Struggle



Amazon workers along with other unions organized series of "Make Amazon Pay" protests in the United States, South Africa, Brazil and across Europe on November 26 (Black Friday) against the inhuman working conditions, company's exploitative practices and union busting activities.

In Germany, around 2,500 employees went on a strike at Amazon shipping centers in Rheinberg, Koblenz and Graben. Meanwhile in Brazil, Dockers and union members took part in a global protest with a banner reading 'Make Amazon Pay' against Amazon, in downtown Santos, Sao Paulo state. Meanwhile in South Africa, civil society groups protested against an upcoming Amazon facility in River Club, Cape Town.

In the US, Amazon workers, marched to

company founder Jeff Bezos' Flatiron district residence as a part of the global protest action.

The Make Amazon Pay Coalition, consisting of Amazon unions, civil society groups, environmental organizations and various working class unions has the raised following demands:

- increasing warehouse workers' pay and adding hazard pay and peak time increments
- ending worker "surveillance" and strict productivity targets
- extending sick leave and improving Covid-19 tracking and reporting
- ending casual employment status
- ending union busting activities and non-interference by the company in the right to unionize

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- paying taxes without using loopholes or tax havens

Amazon, the global online platform and its founder Jeffrey Bezos have been striding on profits made through highly exploitative practices. The net worth of Bezos is US\$205 billion and in terms of the salary, Bezos gets 58 times more than a worker in the company.

Amazon has been deploying surveillance tactics against employees to prevent attempts of unionization. Last year, the company fired a warehouse worker who organized Staten Island (US) protest against the prevailing unfair working conditions amid the raging COVID-19 pandemic.

Recently, in the US State of Alabama, the National Labor Relations Board official has ordered a second union election at an Amazon facility in Bessemer after finding that the tech giant interfered and violated workers' labor rights during a union drive.

The company's facilities have been termed as 'prisons', with the crippling and constant pressure to meet deadlines and punishing goals.

Workers are forced to urinate into trash cans and water bottles to save time.

In India, Amazon engages in similar exploitative practices in its facilities, with less pay and mandatory overtime. Workers are forced to work for long hours with insufficient rest and bathroom breaks as company puts the pressure to meet the 'target.' Furthermore, on March 15, Amazon introduced a new policy saying that the delivery staff would earn INR 10 on delivering small packages and INR 15 for deliveries made through tempos. The staff was earlier getting INR 35 on each orders.

The All India Central Council of Trade Unions (AICCTU) stands in solidarity with Amazon workers in India and across the world in their struggle against the unfair labour practices and appalling working conditions at the company's warehouses and facilities. We demand an immediate end to union busting activities by the company.



Khakhi Uniform Vs Red Shawl!

A Film Review of “Jai Bhim”

★ RANJANI

Based on the true story of an adivasi woman desperately trying to find the whereabouts of her husband, who was falsely implicated on theft charges, taken into police custody and reported to be missing, *Jai Bhim* is a film that is soul stirring and exposing the ugly face of caste oppression, police brutality and opaqueness of legal institutions to common people. In the very first scene, poor families are waiting for the release of their family members from jail. However, to their dismay, all the men of the marginalized sections of the society are segregated on the basis of their low caste status and distributed between various police stations and charged with false case/s as the police fail to nab the real culprits within the stipulated time. Police implicates 12 men on false charges. One of their families, with the help of a Communist leader, appeals to the court through an advocate, Chandru, played by actor Surya. Thus begins the struggle to prove their innocence, expose the fabricated charges and corrupt officials involved.

Advocate Chandru, a rebel and a Communist, is leading street struggles for various causes and appears for human rights issues in the court. Sengeni, played by actor Lijomol Jose, a pregnant woman from Irula tribe, accompanied by a teacher of adult literacy programme, approaches him to find her missing husband. The film captures the proceedings in the court and in the course of it unravels the mystery behind the disappearance of Sengeni's husband Rajakannu, played by actor K Manikandan, and seeks justice for the custodial torture and killing of Rajakannu.

The film is in a way singular in bringing to light the plight of the adivasis, who are deprived of basic rights, opportunities and facilities. Even the basic minimum right to life is not guaranteed

for these lower rungs of the society. Everybody seems to be vested with unquestionable power to exploit, discriminate and illtreat them. The simple, nomadic community, traditionally known for catching rats and snakes and for treating snakebites, is subjected to severe forms of abuse at work, in the neighbourhood and in public offices.

The film expands and transforms the canvas of the case into a narrative of multiple issues of domination and exploitation faced by the marginalized sections, the lack of agency and justice to the community. Through the traumatic and unremitting struggle of Sengeni, the film brings to the fore the abhorrent practice of criminalizing the entire tribe by slapping false charges on them. The film is uncompromising in detailing the ‘third degree’ torture meted out in police stations to coerce them into accepting the criminal offenses they did not commit and consequently, undergo conviction. In the eventuality of the victims refusing to accept the false charges, the severe tortures lead to custodial deaths as in the case of Rajakannu and terrorize the entire community on the pretext of their escape from the police station. Yet, another modus operandi, is to inflict sexual torture on the womenfolk to compel men to concede to these crimes.

Right from the beginning, the film is consistent in its viewpoint that the case of Rajakannu is not an isolated case of police excess but that it is a regular routine that the adivasis are framed under false charges. In the open forum, where adivasis are deposing before IG Perumalsamy, it is made obvious that they are major victims of police terror. A woman shares the pain of custodial sexual violence wreaked on her in order to commit her husband to the false allegations.

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Rajakannu's sister Pachaiyamma is disrobed and raped before her brother and relatives in station. The police use sexually abusive language on both Sengeni and Pachaiyamma. Further, the police violate laws by arresting a woman (Sengeni), that too a woman in full term pregnancy, at night and physically assaulting her. The film underscores the gendered nature of police violence.

In a remarkable manner, through the court proceedings, the film highlights the problems of evidence-based legal trial. Everything not only needs to have evidence but should be proven in the courts. In custodial killings and false cases, where the custodians of law themselves are the perpetrators of the crime and have official authority and backing of state power, is it all that easier for the victims or their families to fight the powers that be? Even, a prominent advocate, committed to people, like Chandru, had severe odds in taking forward the case and had to make extraordinary efforts to prove the killing and get justice to Sengeni. If not for the cooperation of the IG Perumalsamy, what would have happened to the case?

In a way, the film, while exposing the police excesses and corruption, relies on the very same institution and in rebuilding some kind of trust on it. The director T. Gnanavel has asserted that this is a victory of constitutional means of struggle. But the reality remains that it is not as simple as it looks to be. The pitfalls of this constitutional means for adivasis, or any commoners for that sake, is too high. How many victims can knock at the doors of the court, how many would come across a dedicated advocate like Chandru, how many can go through this painful and protracted battle etc. are a big question mark. However, the film, within the limits of mainstream cinema, tries to be honest in showing the role of Communist party through struggles, petitions, and in assisting the advocate-cum-Communist in locating the necessary documents and in bringing the case to the limelight, even as it projects Chandru as the mastermind behind this mission of justice.

One cannot have an oversight of the fact that the film is overt in identifying Chandru as a Communist by showing him protesting with people holding red flags, pasting posters and distributing pamphlets that carry the hammer and sickle symbol, interacting with people of red shawls, even seated in front of Communist party office or protesting in front of the Toilers' statue in the beach. His office has portraits of Karl Marx, Ambedkar and Periyar. Whenever he is listening to Sengeni's narration, Karl Marx's relief is behind him and the last part of the film has Lenin's statue. The film has given a positive portrayal of Communists by showing their commitment and dedication to the people's cause. This apart, even as Chandru's character is shown to be instrumental, the film is against idolising individuals as seen in a scene where people bring garlands to Chandru's house and he shows the board that says there is no God here, please do not bring flowers and shawls. The austere life of Chandru - simple house, self-cooking, travels in crowded trains or motorcycle, eating and drinking tea in small stalls and accommodating Sengeni and child in his house all point to his Communist way of life. His identification with Communism is quite obvious. Such films with stars on such characters are rare in mainstream cinema.

Beyond the issue of custodial killing, the film touches upon the other issues of Adivasi community - pattas for land, bonded labour, low paid labour, illiteracy and dignity. Through the other cases and protests, like that of Aavin workers dismissed for demanding wage increase, the film takes a pro-labour and anti-establishment stance. The film, at several points, creates an impression of khakhi uniform versus red shawl and is indeed a tribute to Marx and Ambedkar. On the whole, there is a little red spark that allays Sengeni's and the Adivasi community's fears of being left in the lurch even if they are killed. ■

Labour Snippets – December 2021

1. Pension – A Deferred Compensation: Supreme Court

Delivering its verdict after a decade-long battle, The Supreme Court directed that pension be disbursed to Smt. Veena Pandey, a widow of a deceased coal-mines workman, as was due to her under the Coal Mines Pension Scheme, 1998. This scheme was framed as a measure of social security to ensure socio-economic justice for the employees in the coal sector under the powers conferred by Section 3-E of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948. An application under the said provision was made by Smt. Veena, which came to be rejected by the Coal Mines Provident Fund Organisation, as also the Patna High Court for want of jurisdiction. The Supreme Court, granting relief to Smt. Veena, observed that – “11. Pension as is well known, is the deferred portion of the compensation for rendering long years of service. It is a hard-earned benefit accruing to an employee and has been held to be in the nature of property by this Court...”

Veena Pandey vs Union of India [LL 2021 SC 661]

2. Employers Violating Labour Laws During Pandemic: Madras HC Seeks Report on Workers Being Laid-off/Retrenched

Passing an order in WP No. 23080/2020, the Madras High Court stated that – “3. Though the Covid-19 pandemic situation could be termed as a misfortune, the employers cannot be permitted to make a fortune out of this misfortune. This Court has not come across any Government

Orders or notifications addressing this crisis, whereby countless numbers of workers/employees have been retrenched/laid off by violating the legal procedures for such retrenchment/lay off”, and thereafter directed the Secretary, Labour Welfare Skill Development and Employment to assess the situation and file a detailed report with regard to the conditions of service, non-employment particulars of the workers/ employees within the State of Tamil Nadu, by way of a comparison between the period immediately before the onset of the Covid-19 pandemic and post lock-down relaxation.

Labour Liberation Front and Ors v. State of Tamil Nadu [WP No. 23080/2020]

3. Termination of “Irregular” Workmen also amounts to Retrenchment

A group of non-teaching staff, like Watchman, Attenders, Peons, Sweepers, Assistant Cooks, Assistant Matrons, Drivers, Helpers, Waiters, Gardeners, Clerical Assistants, etc., in a University in Kerala had challenged an order passed in 1997 which de-regularized and terminated their services, after being regularised in 1996. The Kerala High Court upheld the order of 1997 to de-regularise their services. However, the High Court did not make any observations in regard to Section 25F of the Industrial Disputes Act being followed as the termination of these workmen amounted to retrenchment, and left the issue open for the consideration of the Labour Court. Subsequently, the Labour Court held that the termination of these employees amounted to retrenchment and ordered their reinstatement with 50% backwages. This award was reversed by the High



Court which held Section 25F was not applicable to “irregular” appointments, as these non-teaching staff were not appointed after following a selection process. The same came to be challenged before the Supreme Court which then reversed the order of the Kerala High Court by stating that – “...appointments are made in the instant case on daily wage basis under the orders of the Vice Chancellor who is the competent/appointing authority and merely because their appointments are not in accordance with the procedure prescribed under the Ordinance would not disentitle them from claiming protection under provisions of the (Industrial Disputes) Act 1947.”, and considered it just and reasonable to award a lumpsum monetary compensation of Rs. 2,50,000/- to each of the workmen in lieu of the right to claim reinstatement with 50% back wages as awarded by the Tribunal, as reinstatement would not be possible due to the long passage of time.

K.V Anil Mithra & Anr. v. Sree Sankaracharya University of Sanskrit & Anr. [LL 2021 SC 624]

4. Change of Service Conditions and Nature of Work as a Result of Transfer Attracts Sec. 9A of ID Act

When an employee is transferred and such transfer results in a change of her service condition or nature of work, Section 9A of the Industrial Disputes Act would be applicable in such instances. In the present case, several workers were transferred from one unit manufacturing one product, to another unit which was hundreds of kilometres away and manufactured a different product. The workmen filed a dispute stating that there was no notice issued to the workmen in regard to the change in their service conditions, as also that the transfer changed their service conditions and that the nature of work itself was different, and hence transfer must be rendered illegal and void. There were concurrent findings by the Labour Court as well the High Court

that the order of transfer was arbitrary, mala fide, amounted to victimization, unfair labour practice and in violation of Section 9A of the Industrial Disputes Act. Upholding the same, the Supreme Court stated that – “The question is not about the transfer only, the question is about the consequences of transfer. In the present case, the nature of work/service conditions would be changed and the consequences of transfer would result in the change of service conditions and the reduction of employees at Dewas factory, for which the Fourth Schedule and Section 9A shall be attracted.”, and passed a direction that “all the concerned workmen shall be entitled to the consequential benefits, including the arrears of salary etc., as if they were not transferred from Dewas and continued to work at Dewas and whatever benefits, which may be available to the respective workmen including the arrears of salary/wages, retirement benefits etc. shall be paid to the concerned workman within a period of four weeks from today.”, and dismissed the appeal by imposing cost of Rs. 25,000/- per worker to be paid to the workmen within 4 weeks from the date of the order.

Caparo Engineering India Ltd. V. Ummed Singh Lodhi & Anr. [LL 2021 SC 625]

5. Violation of Service Rules and Principles of Natural Justice During Enquiry

A workman was absent from work for several months, due to which the Management Corporation issued a chargesheet against him and an enquiry was conducted, which found that the charges against the workman were proved. Subsequently, the workman was issued with a showcause notice and thereafter dismissed from service. The procedure for enquiry and disciplinary action against workmen are dictated by the Tamil Nadu Civil Supplies Corporation Employees' Service Regulations, 1989, under which Rule 4 enlists the procedure to be followed to award major penalties. It was found by

the appellate court that the competent authority had to issue a memo recording the basis of the charge, quoting the relevant rules and instructions omitted to be followed and the consequent result of such omission with specific charges suitably framed and the delinquent should also be informed of the list of documents relied upon and the list of witnesses whose versions framed the basis of the charges. However, this procedure was not adopted by the respondents during the course of the departmental action, and therefore since the procedure was deviated and the enquiry officer had also not given due weightage to the medical evidence produced by the petitioner for his absence, the Madras High Court found that the major punishment of dismissal from service is not proportionate to the levelled charges, and ordered for retirement benefits to be extended to the workman as he had already reached the age of superannuation.

E. Kandasamy vs. Tamil Nadu Civil Supplies Corporation, Rep. by its Managing Director & Anr. [2021 LLR 1184 (Mad. HC)]

6. Bosch Workers Protest in Germany



Several thousand workers who will be impacted by the policy-decision of the world's largest automotive supplier and their employer – Bosch – protested against the planned closures of factory plants, and job relocations which the company said are needed to adapt to

the changing demand in the transition to electric vehicles. News reports stated that around 3,000 workers from various plants across Germany gathered outside a Bosch plant in Buehl, Arnstadt and Munich. It is said that around 1,000 staff in Germany will lose their jobs by 2025 as a result of relocations, cuts, or new hires. The unions in Germany and elsewhere have stated that the transition to producing electric vehicles would mean that millions of workers could lose their jobs, and predict that about 1,00,000 workers will be unemployed in Germany alone.

7. Hotel Closure in Mumbai Deemed Illegal



Hotel Hyatt Regency, a five-star hotel in Mumbai, had shutdown, in June this year, citing reasons of financial crisis and more than 200 employees were terminated. The employees then approached the Labour Court which ruled that the decision of the hotel to halt its operations was illegal as per the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices (MRTU and PULP) Act, 1971 and that the same amounted to unfair labour practice under Item 6 of Schedule II and Item 9 and 10 of Schedule IV of the MRTU & PULP Act and directed the hotel management to cease and desist from the same. ■

The Call of AICWF

Construction Workers Observe All-India Protest Day

★ SK SHARMA

Thousands of construction workers demonstrated on 30th November 2021 before district labour offices in several districts throughout country to observe All India Protest Day at the call of All India Construction Workers Federation (AICWF) against anti-labour, anti-farmer, anti-people policies of the Modi Government. They protested the attack on the working class in general and construction workers in particular, in the form of 4 labour codes, national monetization pipeline, privatization, skyrocketing price rise, unemployment, dismantling of construction workers' welfare boards, denial of benefits to construction workers, etc. After demonstrations and sit-ins, a 10-point charter of demands, in

the form of memorandum addressed to Prime Minister, was submitted through respective labour offices. Demonstrations were addressed by leaders of construction workers along with leaders of AICCTU and CPI-ML.

In Delhi, construction workers demonstrated before the office of the CM & LG. The demonstration was addressed by VKS Gautum, national secretary of AICWF, Abhishek Kumar, state secretary of AICCTU and Ravi Rai, state secretary of CPI-ML, among others.

In Bihar, construction workers demonstrated in several districts and submitted the memorandum. R.N. Thakur, national secretary of AICWF led the demonstration at Patna.

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S.K. Sharma, general secretary of AICWF and Mukesh Mukht, district secretary addressed the demonstration of construction workers at Bhagalpur. Surendra Singh, national vice president of AICWF led the demo in Hajipur, while Ramchandra Das led the demonstration of construction workers at Madhepura.

In the state of Jharkhand, district level demonstrations were held in Ranchi led by national secretary of AICWF Bhuvneshwar Kewat. Also, demonstrations were held in other districts like Ramgarh, Bokaro, Dumka, etc.

In Odisha, demonstrations of construction workers were held at Bhubaneswar, Bhadrak, Sonapur, Gajapati, Kendra Para, Khurda, etc. Mahendra Parida, national secretary of AICWF led the demonstration at Bhubaneswar.

In Uttar Pradesh, Construction workers demonstrated in various districts including Lucknow, Raebareli, Kanpur, Varanasi, Deoria, Banda, Sitapur and Faizabad.

In Karnataka, construction workers demonstrated in Gangavati, Koppal, Raichur and Kolar.

Demonstrations were also held in South-24 Pargana in W. Bengal, Srikakulam in Andhra Pradesh and Mansa in Punjab.

S. K. Sharma, the General Secretary, AICWF, congratulated construction workers for their militant participation, and said that a month-long campaign in will culminate in demonstrations at state headquarters throughout the country.

MAIN DEMANDS :

- A. To strengthen the welfare boards, 1% of GDP should be allotted by the union government and the cess should be increased to 3%. No infringement of the rights of unions and facilitate enrolment of workers in the boards by making enrolment easier.
- B. Withdraw 4 labour codes that are anti-labour.
- C. Minimum wages of Rs. 1,000 per day.
- D. Free housing, Education and health.
- E. ESI coverage for construction workers.
- F. 8-hour workday and double OT for extra work, Bonus, Leave, Gratuity, and other facilities on par with regular government employees.
- G. Ration Cards for all construction workers.
- H. Guarantee the safety of women workers at the workplace.
- I. Strengthen legal provisions for the safety of migrant workers. ■



Brutal Violence Against ASHA Workers of Uttar Pradesh For Submitting a Memorandum to the CM Yogi Adityanath

★ VIJAY VIDROHI

When the ASHA workers of Uttar Pradesh tried to submit their memorandum of demands to the CM Yogi Adityanath when he came for a program in Shahjahanpur on 9th November, the police not only stopped them from submitting the memorandum, but also brutally attacked them. One of the ASHA workers, Punam Pandey's hand was broken, was stamped under the boot and was also attacked in the genitals. After physically assaulting the workers, the police filed cases against ASHA workers themselves.

The All India Scheme Workers Federation (AISWF- affiliated to AICCTU) rose up in protest against the attack on ASHA workers in UP. On 17th November protests were organised all over the country including UP, Bihar, Jharkhand, Uttarakhand and Odisha. AISWF sent a memorandum protesting the incident to the UP CM. The Federation demanded action against police officials responsible for

the violence, registration of FIR against them based on Punam Pandey's statement. They also demanded recognition of ASHA workers as government employees and wages at the rate of 18,000 rupees per month.

In Uttar Pradesh, protests were organised by Uttar Pradesh ASHA Workers Union and Uttar Pradesh Mid Day Meal Workers Union in different places like Varanasi, Mau, Gorakhpur, Lucknow, Kanpur, Firozabad, Allahabad, Raebareli, Jalaun. Large number of ASHA workers participated in the protest. In Raebareli, protests were held at six centres including the district hospital.

In Bihar protests were organised by Bihar Rajya ASHA Kartyakarta Sangh and Bihar Rajya Rasoiya Sangh in several districts.

In Uttarakhand's Haldwani and in Odisha's Raigada ASHA workers raised their voice against the violence. ■

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Death of a Migrant Worker in Puducherry and the Question of Occupational Health and Safety

★ BALASUBRAMANIAN



Migrant workers of the biggest industrial estate in Puducherry, Sedarapet, have been demanding various industries in the estate to improve working conditions and to adhere to the regulations regarding health and safety. A recent tragic accident, where a worker Ajbar Malik died while working for a company called Ganges Internationale, as a result of the company's negligence, was the point of trigger for the subsequent workers' outburst and for the current ongoing struggles. While targeting fire against the industries, the protesters also pointed out that the present Puducherry state government led by the BJP and the NR Congress is also complicit with the companies as they are silent on the gross negligence on the part of the company that led to such a tragic incident.

Ganges Internationale is an ISO 9001:2015 certified telecom tower manufacturer and has

a big factory at the Sedarapet Industrial Estate in Puducherry. It also manages a galvanizing unit within the same premises. These two factories employ a small number of permanent workers, including the managerial staff but around 3000 migrant workers, mainly from West Bengal, alleged to be on the rolls of the contractor. These workers are engaged in the core production processes, and are employed on a contractual basis by the company. There are multiple illegalities involved here. First and foremost is that the workers engaged in core production processes should not be employed on a contractual basis. Secondly, the company also employs juvenile workers.

Industrial safety measures are rarely followed on the shop floor and hence the operations are dangerous and working conditions are appalling. Workers are forced to work in shifts of 12-14 hours without weekly holidays. All migrant workers

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are forced to live within the factory compound in poor living conditions. They are forced to sleep in low-roof bunker beds. Statutory holidays like national and festival holidays as well as casual and earned leave benefits are also denied to the workers. Even though the factory started operations 25 years ago, there is no organized union fighting for the welfare of the workers until now.

It is these conditions that led to the tragic and avoidable death of Ajbar Malik. On 22 October this year, Malik, who hails from Inayat Nagar in 24 Parganas district of West Bengal, was operating a poorly maintained rope crane in the flat parts unit of Ganges Internationale. He was not trained to operate this crane. The crane was moving in a narrow lane with a load of 750 kg when the boom rope got torn off and its entire load of steel angles fell on Malik's head. He died instantly as a result of this horrific incident.

After Malik's death, the management of the company tried to hush up the horrific incident. The workers, therefore, protested against this, and informed the local police about Malik's death. Subsequently, the police entered the factory and removed Malik's body from the premises without observing due process of law. The workers gathered in the factory objected to this and demanded justice. The police then resorted to lathi charge of the workers. The situation turned volatile as workers resisted the police. Workers as well as some policemen were injured. All this happened because of the mishandling of situation by the company management and the police.

On hearing of these developments, AICCTU state president S. Motilal, who was also the president of the Sedarapet Industrial Estate All Trade Unions and Workers Federation, rushed to the factory. The police registered cases under various sections of the IPC (including attempt to murder - IPC 307) against 28 workers, some of whom are juveniles. These workers were arrested and sent to judicial custody. On the other hand, the police registered just two cases in relation to Ajbar's Malik's death; one against

an employee of the company and another against a contractor, under section 304(A) of IPC (involuntary manslaughter and death by negligence) instead of 304 (ii) (applicable when harm is caused when there is prior knowledge that a particular act can cause death). Following the accident, the Labour Department stopped production operations at Ganges Internationale and its sister concerns. However, permission to restart production was given a week later, even though working conditions remained unsafe. In fact, yet another accident took place in the same factory after restarting operations. A worker from Odisha got seriously injured in this accident.

CPI(ML), CPI(M) and CPI jointly issued a statement condemning the callous attitude of the company management towards its workers and also the inaction of the NR Congress-BJP led Puducherry government. The left Parties also demanded a compensation of Rs 50 lakhs to the family members of the deceased. Comrade S. Balasubramanian, AICCTU All India Vice President stood surety to all juvenile workers when they were released from the special observation home. AICCTU held a demonstration on 2nd November in front of the district magistrate's office, demanding strict implementation of labour laws and invoking of Section 304(ii) of IPC against the Directors of Ganges Internationale for the crimes committed which led to Ajbar Malik's death. All the Central Trade unions (AICCTU, AITUC, CITU, LLF, MLF, AIUTUC) organised a joint demonstration in front of the Labor Commissioner's Office on 9th November condemning the utter failure of the management to implement all the safety rules under the Factories Act and other Labour Welfare Acts. The demonstrators also criticized the police for playing into the hands of the company. ■

Powrakarmika Jaatha

The Propaganda March of Sanitation Workers

Challenging Caste System, Patriarchy and Neo-Liberal Agenda

★ MAITREYI KRISHNAN

Sanitation work is a dehumanising occupation and is one that is reserved for the Dalit community across the country. Sanitation workers are not merely individual members of this workforce out of pure choice; but members, by birth, with inerasable identity and inter-generational continuity. Most sanitation workers are women, and are victims of triple oppression, by virtue of their class, caste and gender.

The caste system has blended with the neo-liberal agenda of the state to create highly insecure conditions of work for sanitation workers refusing to treat them as permanent workers despite having worked for several decades.

In Karnataka, after years of struggle, the contract system was abolished, all contractors were removed. The workers employed are being paid directly by the local body administration of the state. However, they have still not been made permanent and are only paid minimum wages. Despite working throughout both the lockdowns, with grave risk to themselves, they were not provided even a risk allowance. They are not provided basic amenities like drinking water, toilets and rest rooms. Workers are subjected to various forms of untouchability practices - not being permitted to touch the gate of houses, being denied drinking water or provided drinking water from bathroom mugs, etc.

During the period of the lockdown, workers were forced to walk several kilometres to work



everyday due to the lack of transport, and had worked throughout the day, without any food to eat or even water to drink. They worked at grave risk to their health, picking up the waste from homes where those who were infected by COVID-19 stayed in isolation. Instead of taking steps to ensure safe and dignified working conditions to sanitation workers, the Prime Minister took to theatrics during COVID-19 and asked people to bang thalis and light candles for the sake of frontline workers. Pots were banged but powrakarmikas (sanitation workers) continue to work under vulnerable conditions.

To highlight the vulnerable conditions under which powrakarmikas are forced to work and to demand dignified working conditions, the BBMP Powrakarmika Sangha (affiliated to AICCTU) started a Jaatha (propaganda march) across the city of Bengaluru from 9th October 2021.

The Jaatha was inaugurated by Com. Ravanamma, a senior leader of the union, who retired as a powrakarmika last year and who has been at the forefront for the rights of powrakarmikas from the beginning.

The Jaatha consisting of activists of sanitation workers went around the city of Bengaluru for

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three weeks highlighting the failures of the state government and demanding dignified and safe working conditions.

It demanded dignified and safe working conditions, all powrakarmikas be made permanent and be paid wages of a minimum of Rs. 35,000/-. The work performed by sanitation workers is caste ordained, done primarily by Dalit women, who are regularly subjected to caste atrocities and sexual violence. The Jaatha demanded an immediate end to such caste based atrocities and sexual violence of all forms. The Jaatha demanded that the Municipal Corporation ensure the provision of housing to all and education to all their children, in order to ensure that they are not forced to enter this caste-ordained work.

The Jaatha started at 4 am, moved with powrakarmikas to the muster where their attendance was marked, generally, at 6 am. Workers are not provided any form of transportation and are forced to either walk the distance or come through auto rickshaws in large numbers, an unsafe mode of transport. Meetings were held at 6 am, 10.30 am and 2 pm when workers congregate for attendance. In between, the Jaatha moved through the streets and markets. Several people came forward expressing their solidarity to the demands of the sanitation workers and said that they would stand with the workers who protected their health. Workers spoke of the difficulties faced by them - waking up everyday at 3 am to prepare food for their families, leaving for work by 4.30 - 5 am and working upto 2 pm. "We work everyday without a single day off - whether it is Sunday or a festival or a national holiday. We even work on Ambedkar Jayanthi. What do they think of us - are we people or just hands and legs", workers spoke. They spoke of the harassment faced by them from their superiors, officials and the public. They spoke of the untouchability practices that they are subjected to and demanded action against those practicing it.

In the evening, the Jaatha came to the homes

of powrakarmikas. The BBMP Powrakarmika Sangha has bought a film dedicated to those workers who lost their lives to COVID-19, on the condition of powrakarmikas during the COVID-19 lockdown. Director Raju who works as a powrakarmika and directs short films, made a film on the Inauguration ceremony and the Jaatha. Both these films were screened at the houses of the powrakarmikas and followed by a discussion. Powrakarmikas are forced to live under extremely vulnerable conditions - several of them live in tarpaulin sheds without any proper toilet facilities. They are denied even basic water facilities and when it rains, the sheds are steeped in mud. The inequalities in the country, which are at an all time high, is starkly seen through the housing inequality. Powrakarmikas are forced to live without the most basic amenities, being surrounded by sky scrapers. Through the Jaatha, powrakarmikas demanded that the state fulfill its constitutional obligation and ensure the provision of dignified housing to all powrakarmikas.

Protests were held before the offices of zonal level officers demanding that the rights of powrakarmikas to dignified working conditions be immediately met. Slogans of "Respect and Dignity is Our Right, We Will Take It", "Treat Us as Permanent Workers, Ensure Wages of Rs. 35,000/- Every Month", "Ensure Dignified Working and Living Conditions to Powrakarmikas" reverberated in the air.

The vulnerable working conditions of powrakarmikas are a clear example of the way in which the caste system, patriarchy and the neo-liberal agenda of the state has condemned a historically oppressed community into a caste-ordained profession and pushed an entire community of people into a cycle of poverty. The Jaatha has put forth a clear message against such structures of violence demanding what is rightfully due to the powrakarmikas. ■

United Employees Convention Against New Pension Scheme and Privatisation

★ KAMAL USRI

A successful convention of employees from various sectors including railway, education and other government departments was held at Vasundhara Hall of Varanasi zone of Eastern Railway on 13th November 2021. The convention was organised under the initiative of 'Front against New Pension Scheme (NPS) in Railways' (henceforth referred as FANPS).

The main speaker of the convention, Amrik Singh, National President of FANPS, said, "We have been protesting against the New Pension Scheme. We have held the historic rally in Ramlila Maidan in Delhi. We will also gather in large numbers at Eco Park, Lucknow on the 21st November." He remarked that if the New Pension Scheme (NPS) is so good, why don't the MLAs and MPs implement it for themselves. He added that the railway workers have worked during the peak of the corona wave, risking and sacrificing their lives, to transport essential commodities like oxygen cylinders, medicines, medical equipment and food items to help the country fight against the deadly virus. The same railway workers are being denied security in old age through abolition of the Old Pension Scheme.

Today rampant privatisation of all Public Sector Undertakings is taking place at a faster pace. Rail, SAIL, airports, coal, bank, insurance, ordnance sector, ports and Jal, Jangal, Zamin (water, land, forest) are all being sold out to crony corporates of the ruling regime. He stated that the railways serve more than 2.5 crore commuters every day and is the biggest source of employment for the

Indian youth. The same railway is being sold under National Monetisation Pipeline. "The FANPS will continue its struggle against the NPS and for restoration of Old Pension Scheme (OPS) with the strength of different sections of employees and workers from all zones of Indian Railways", Amrik Singh said.

Comrade Kamal Usri, All India Vice-President of the Indian Railways Employees Federation (IREF) and Propaganda Secretary of the "National Movement to Save Railways" said that the very fact of the location of the convention, which is the parliamentary constituency of the Prime Minister Narendra Modi, in itself will inspire employees of the entire country to raise voice against the NPS. He said that the same Varanasi generated a movement in June 2021 against the anti-worker 100 days action plan declared by the Chairperson of Indian Railways and successfully stalled the action plan. He added, "We draw inspiration from the ongoing farmers struggles at the Delhi borders and join our hands with the students and youth of the country against the attack of rampant privatisation by the union government. It is the responsibility of all sections of Indian society to save railways from destruction in the hands of the private corporate players."

The convention was addressed by Vijay Singh Bandhu, All India President of the "Movement for Old Pension Scheme". The convention was chaired by Akhilesh Singh and conducted by Rajendra Pal, all India secretary of FANPS. Rakesh Kumar Pal, Zonal Secretary of Eastern Railway Workers Union delivered the vote of thanks. ■

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Strike by Frontline Workers at Victoria Hospital, Bengaluru

★ MAITREYI KRISHNAN



Frontline workers employed in Victoria hospital as housekeeping staff, ward attenders, lift operators, Data entry operators and security, have not been paid their wages for October 2021. Victoria Hospital was a dedicated COVID-19 facility, and these workers worked throughout the first and second wave of COVID-19. The wages for the month of September had also been delayed and was only paid on 31st October.

The Payment of Wages Act, 1936 mandates that workers are to be paid their monthly wages on the 7th of every month. However, the Bangalore Medical College and Research Institute (BMRCI), which manages Victoria Hospital failed to ensure payment of wages for the month of October 2021 to the workers. The Supreme Court, in the Asiad Games case in 1982 in People's Union for Democratic Rights vs Union of India has held that making workers to perform their duties without paying them their due wages, amounts to forced labour.

Majority of the workers are women and belong to the Dalit and other oppressed communities. Despite working for over 20 years, they are not treated as permanent employees and are instead termed as “contract labour”, with the intent to deprive them of their most basic rights. It is no

coincidence that the majority of those who are compelled to work as “contract workers” belong to historically oppressed sections of the community, and this is, in fact, the coming together of the neo-liberal agenda of the State and the caste-patriarchy nexus to continue to oppress them.

The low wages paid to workers has resulted in the impoverishment of workers, without any social security benefits or savings. The failure to ensure timely payment of wages results in workers being caught in a web of loans that further impoverish them. Workers, having been denied their wages, are unable to pay the school fees of their children or attend medical emergencies. The State Government has failed to disburse necessary funds to ensure the payment of wages to the workers, resulting in workers being pushed into these dire straits. The failure to ensure preparation for the second wave of the COVID-19 has resulted in this situation, where workers are not even paid their wages on time.

Under the leadership of Karnataka General Labour Union (affiliated to AICCTU), the workers thus held a protest on 29th October, 2021 demanding immediate disbursal of their wages. They held rallies across the Hospital demanding that the wages be paid. They spoke of the difficulties faced by them, including the harassment faced by the hospital. They are denied of basic amenities like drinking water, toilet, rest-rooms and are treated without respect. The workers vowed that the fight for dignified working conditions, living wages and timely payment of wages shall continue. ■

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INTERNATIONAL WORKING CLASS STRUGGLES

★ V ARUN KUMAR

Spanish Metal Workers Clinche Pay Rise After 9 Day Strike

Metal workers in the Spanish city of Cadiz ended their strike on November 25 after a pay rise deal was agreed. The strike on November 16 witnessed more than 20,000 workers hitting the streets demanding a pay rise in line with the surging inflation rate, which in October stood at 5.5%.

The strike witnessed heavy police repression with security forces using rubber bullets on the workers in picket lines on November 23.

The agreement states that salaries will rise by 2% each year till December 2023. In addition, if inflation is higher than that, employers will pay 80% of the difference between the 2% and the inflation increase.

Most of the metal workers are employed in the shipbuilding sector in the coastal town of Cadiz. Cádiz has an unemployment rate of 23%, one of the Spain's highest. ■

Workers-Students Call for Democracy in Swaziland



The working class and students across southern African country of Swaziland have been up in arms for months demanding an end to the rule of Africa's last absolute monarchy. Swaziland is officially ruled by King Mswati II since 1986 and has experienced brutal repressions against toiling masses and dissenters.

On October 20 this year, the police in the country's capital Mbabane brutally assaulted workers protesting for their rights. Teachers, nurses and public sector workers were attacked while they were on their way to deliver a petition to the Municipal Council of the capital city, appealing for decent working conditions, a salary review, and basic trade union rights.

The Swaziland Association of Teachers (SNAT) said, in a statement, that the security forces fired teargas, used grenades and live ammunitions. Two buses ferrying public workers to the peaceful gathering were also stopped by the police and their passengers shot at with live bullets.

According to reports, at least, 36 workers were injured in the police violence. SNAT also denounced that a student, who was not part of



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the workers' demonstration, was shot dead by a stray bullet.

In response to police violence, the nurses' union, Swaziland Democratic Nurses Union (SDNU) said that nurses are no longer treating police officers.

The call for democracy has grown since mid of June this year, when protests broke out in the Manzini Region of the Swaziland demanding right to elect the Prime Minister through a democratic process. The protests quickly spread across the country with students, teachers and various sections of working class joining hands, calling an end to the authoritarian regime of Mswati II. At least, 28 people have died in the police violence and many others tortured, detained or abducted.

With workers and students taking the lead in demanding democracy and rights, the authorities have embarked on acts of harassment and union busting against trade unions and students' organizations. Members of Trade Union Congress of Swaziland (TUCOSWA), Swaziland National Association of Teachers (SNAT) Swaziland National Union of Students (SNUS) are regularly faced with arrests, detentions and physical threats.

The ruler of Swaziland, Mswati lives a lavish lifestyle, while the national poverty rate of about 63 per cent and an unemployment rate of 41 per cent. ■

Hondurans Reject the US Intervention, Elect Leftist Xiomara Castro

The people of Honduras have unitedly defeated the conservative and neoliberal forces backed by the United States and elected the first female president Xiomara Castro of the left-wing Liberty and Refoundation (Libre) Party. According to reports, Castro of the Libre Party has obtained over 53% of the votes, and is leading the presidential race by a 20% margin.

Castro's victory is a big blow to the US imperialist project in Latin America. Her husband Manuel



Zelaya was ousted in the US-backed coup d'état in 2009. On June 28, 2009, Honduran Special Forces detained President Manuel Zelaya from his residence at gunpoint and sent him to exile in Costa Rica. The coup allowed the Honduran right wing to re-entrench itself in the country and they remained in power using fraudulent elections.

The last electoral process, in 2017, was marked by widespread irregularities leading to protests across the country demanding a re-election. The government of Juan Orlando Hernández, belonging to right-wing National Party of Honduras imposed a curfew and launched violent repression against protesters. More than 30 people were killed during the police violence. Despite the protests, JOH was declared the winner and managed to secure a second term.

Libre Party was founded in 2011 by the National Popular Resistance Front (FNRP), a left wing coalition of organizations that opposed the 2009 coup.

The victory of Castro and Libre Party comes at a point when Honduras have been facing decades long rampant neoliberal policies that plunged the country into a “neoliberal hell.” The Latin American country had been witnessing skyrocketing prices and inflation and widespread impunity for murders, rapes, and other abuses committed by Honduran security forces - “and all with the help of increased US military and police aid”. ■

Obituary

Comrade Abani Roy

Comrade Abani Roy was a prominent leader of the RSP and a member of its Central Secretariat. He passed away at the age of 84 on 25th November 2021 at Delhi. He was not well for some years. He was the General Secretary of UTUC for quite a long time. He was also Rajya Sabha member from 1998 to 2011. He played an important role in the left-democratic and the joint trade union movement.

We deeply condole his demise and pay homage to his memory.

Red Salute to Comrade Abani Roy! ■



Protest by Mid Day Meal workers in Lucknow, Uttar Pradesh on November 29.



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Published by

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on behalf of

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