



# WORKERS RESISTANCE

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## CONTENTS

Page 05	Striking A Path To Politics
Page 09	Inflation and Corporate Takeover
Page 14	Anganwadi workers/ helpers's Struggle
Page 17	Message of Greetings to the 18th World Trade Union Congress
Page 20	Plantation Workers Struggle in Assam
Page 23	Interview: The Sahara Scam
Page 26	Labour Snippets – May 2022
Page 28	Justice for sanitary workers
Page 31	Amazon and Starbucks Workers
Page 34	Release Julian Assange!
Page 35	Lab-based Trainee Students Struggle in Kerala
Page 37	Assam Rules on Labour Codes
Page 41	Save the Public Sector Convention
Page 42	Save Covid Warriors
Page 43	No to GPS Bands for Workers
Page 44	Bihar Migrant Worker Death in TN
Page 48	AICCTU workshop in AP



## MAY DAY 2022

## INTERNATIONAL WORKERS' DAY

# THE ENDURING LEGACY OF THE MAY DAY

★ AKASH BHATTACHARYA

### The First May Day

In the late nineteenth century, the working classes were in constant struggle to gain the 8-hour workday. Working conditions were severe and it was quite common to work 10-to-16-hours a day in unsafe conditions and in heavily underpaid jobs. Death and injury were commonplace at many workplaces. As early as the 1860's, working people started agitating to shorten the workday without a

cut in pay. This movement started in Australia, and gradually spread elsewhere.

It took another two decades for a powerful movement that demanded an 8-hour workday to emerge. The workers in the United States of America (USA) were the ones that upped the ante with this demand. The demand was not approved by the employers, but that did not deter the working classes from agitating

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for it. This protest produced the first May Day agitation, in 1886. Protests occurred all over USA.

The demand for an 8-hour workday got traction due to the organized power of the working classes. A variety of socialist organizations had sprung up throughout the US and Europe in the latter half of the 19th century, and many socialists in USA were elected to governmental office by their constituency. Socialists steadily built and strengthened labour unions. It was in this context that the Federation of Organized Trades and Labour Unions (FOTLU), at its national convention in Chicago, held in 1884, proclaimed that “eight hours shall constitute a legal day’s labour from and after May 1, 1886.”

The following year, the FOTLU, backed by members of the Knights of Labour, reiterated their proclamation stating that it they would agitate for this demand through strikes and demonstrations. At this point, thousands of workers in the Chicago area became active organizers of this movement for the 8-hour workday. The movement began to generalize too, into a protest against wage slavery. On May 1, 1886, more than 300,000 workers in more than 13,000 businesses across the United States walked off their jobs in the first May Day celebration in history. In Chicago, the epicentre for the 8-hour day agitation, 40,000 went out on strike.

## **The Haymarket Affair and After**

Parades, bands, and tens of thousands of demonstrators in the streets demonstrated the workers’ strength and unity. The demonstration remained non-violent. More than 100,000 workers joined the demonstration over the next two days. yet peace prevailed. It was not until two days later, May 3, 1886, that violence broke out at the McCormick Reaper Works between police and strikers.

On May 3 one person was killed and several injured as police intervened to protect strike-breakers and intimidate strikers during a union action at the McCormick Harvesting

Machine Company in Chicago. To protest the police brutality, labour leaders called a mass meeting the next day in Haymarket Square. That gathering was pronounced peaceful by the Chicago Mayor who attended as an observer.

After the Mayor left, a fresh contingent of police arrived and demanded that the crowd disperse. At that point a bomb was thrown by an individual never positively identified, and police responded with random gunfire. Seven police officers were killed, and 60 others wounded before the violence ended; civilian casualties have been estimated at four to eight dead and 30 to 40 injured.

The Haymarket Affair created widespread hysteria directed against immigrants and labour leaders. Amid the panic, four labour leaders were accused of conspiracy and hanged to death while another leader committed suicide in prison. In the ensuing years, the labour unions in Chicago and Illinois faced heavy repression and their power was severely restricted.

This state repression in turn galvanized workers and their supporters not only in the USA but all over the world. The Second International declared 1 May as Labour Day and this day continued to be commemorated. May Day became a symbol of working-class politics all over the world. Post-colonial democracies and Western welfare states began to officially commemorate the May Day under pressure from workers’ unions and socialists. In the socialist countries of the twentieth century, May Day became a great institution.

## **A Renewed Significance**

The last few decades of the twentieth century witnessed a severe pushback against workers’ movements and against socialism. Even as socialist regimes collapsed or changed course, and the political power of trade unions weakened with the rise of neoliberalism, May Day remained an important symbol of the class power of workers. We now stand at a juncture when workers unions and a range of democratic and socialist forces are working towards reviving



**AICCTU Activities on May Day 2022**



labour politics in India. May Day is assuming a renewed significance in that context.

On 1 May 2022, hundreds of workers marched through the streets of Bangalore defying a High Court order that sought to limit public shows of protests to Freedom Park. Some young students happily quipped, “we have only heard of such marches, never been in one.” All the Left trade unions had mobilized for the march. The streets were full of red shirts and red flags. Enthusiasm overflowed with the slogans - laal jhanda zindabad, mazdoor andolan zindabad.

The renewal of labour movements in India is happening in the face of a brutal attack on the lives and livelihoods of workers by the combined aggression of Hindutva and corporate forces. Hindutva politics is steadily compromising the egalitarian thrust of the Indian constitution and propping up religion as the key political issue. This is in part a great way to hide from the severe economic collapse that they have overseen - before and after the covid pandemic. But this also derives from the Hindutva ideology of nationalism in which citizens’ rights and their civic and economic demands are not given much importance.

Big corporates are steadily amassing wealth, and inequality is rising steeply. Ironically, the corporates are now trying to prop up corporate

philanthropy as a mode of welfare delivery and guarantee of livelihood. It is a perfect way to dimmish the voice and agency of those who are at the receiving end of corporate aggression: workers of the country who are largely Dalit Bahujans, Adivasis and Muslims, and salaried classes whose jobs are becoming increasingly precarious and low-paid. The constitution of course guarantees the rights of workers, but those rights are being subverted by the labour codes, and other various forms of state repression.

Under these circumstances, the legacy of May Day becomes very important for labour and other democratic struggles. The May Day protest wasn’t just another protest. It put forward a vision of militant struggles by workers for their demands, led by their unions, and fought on their terms. Such struggles seem to the only way out for securing the lives and livelihoods of workers, and thereby substantively realizing the constitutional ideals of freedom, justice, and equality. These struggles will of course have to be organized with due attention to the inter-connectedness of caste, class, and gender, in rural and urban settings. But wherever they are waged, the spirit of the May Day will animate these struggles, as will the spirit of militant struggles against caste and patriarchy. ■



**TAMIL NADU**



**ASSAM**

# STRIKING A PATH TO **POLITICS**

★ AVANI CHOKSHI

*Now, Sir, it has been said that there is no such thing as the right to strike. My reply is that this statement can come from a man who really does not understand what a strike is. If members are prepared to accept my meaning of the word “strike” as being nothing more than a breach of contract, then I submit that a strike is simply another name for the right to freedom ; it is nothing else than the right to the freedom of one’s services on any terms that one wants to obtain. And once you concede the right to freedom, you necessarily concede the right to strike, because, as I have said, the right to strike is simply another name for the right to freedom... If you accept that the right to freedom is a divine right, then I contend that the right to strike is a divine right. I go further and say that because ten people or twenty people or two hundred people simultaneously declare a strike, that cannot make any difference in the situation so far as the law is concerned.*

**-Dr. BR Ambedkar**

## Introduction

A worker is a mute machine of labour, as far as managements in the capitalist system are concerned. Managements are concerned about the machine only if it stops producing. Just like the owner of a machine claims credit for the results of mechanized labour, so too, companies claim to be producers of the products manufactured through the labour of the human being, the worker. In this system, a strike is the only a method through which workers are heard.

## The current capitalist structure and crony-corporate government

The capitalist structure of government is fashioned out of the subordination and enslavement of the working class, who are reduced to a labouring machine and whose humanity is stolen. The State acts as the agent of the corporates in ensuring the denial of constitutional and statutory entitlements of workmen, leaving them resisting not only the powerful managements but also the power of the State.

The legal rights of workers are flouted by managements across the country. Workers are made to work for 12 -16 hours a day without overtime payment and are denied mandatory statutory documentation. Despite the Supreme

Court judgments that non-payment of minimum wages amounts to bonded labour prohibited under Article 23 of the Constitution, workers across the country are denied minimum wages without an efficacious remedy. There is a rampant victimisation of workers who make claims, through disciplinary action, issuance of sham chargesheets and dismissal after a charade of non-compliance with the principles of natural justice. In fact, the Managements often use state mechanisms to victimize workers, whether by filing spurious criminal charges, or by seeking injunctions from civil courts to restrain workers from exercising their right to demonstrate.



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The State, on its part, turns a blind eye to the violations by managements. The crony-corporate nature of the current Union government is evident from its anti-worker and pro-management policies. As per official statistics, workers in the unorganized sector constitute about 93% of the total work force in the country. However, the government is further entrenching insecurity through the introduction of fixed term employment. Other “reforms” adopted by the Union and state governments in favour of corporates including the introduction of compounding of offences, increasing threshold limits to exclude mid-sized establishments from the ambit of statutory regulation, increasing licence periods, reduction of limitation period for raising industrial disputes, introduction of exemptions, deemed registrations of establishments for government lapses, reduction of cess, self-certification etc.<sup>1</sup> During the COVID crisis and thereafter, the regime embraced its role as a systematic and wholesale violator of rights of workers. Last and not least, the labour codes sought to legalise all those that were hitherto illegal and are being brought into force replacing the older labour statutes in the name of “ease of doing business”. They clearly illustrate the deep commitment of the Union government in dismantling labour rights.

In this context, legal struggles have inherent limitations. At the outset, the limitations of the judiciary itself - heavy pendency and red-tapism make any speedy resolution unlikely. Moreover, legal battles often result in the granting of legitimacy to a flawed system that the workers are forced to engage in. These processes depend on the limited inclination of the individual judges to implement the law fairly. Courts often grant stamps of approval to illegalities of the Management and fail to substantively enforce statutory entitlements of the worker.

## The role of the Union

With the abundance of the unemployed, Lenin has explained that the “the individual worker becomes absolutely powerless in face of the capitalist”, since he is replaceable by the next worker. The management seeks to reduce wages and increase working hours to maximize their profits, and any individual worker opposing this is substituted by someone more compliant. The situation is not very different today. Of course, workers have the protection of labour laws, which inter alia mandate a minimum wage and overtime payment for work more than eight hours. An individual workman can seek to claim these statutory entitlements, but subject to the caveats that she is likely to be terminated, she would have to spend years seeking justice, she is unlikely to have been given the documentation that enables her to prove her case and is not guaranteed any success through the adjudicatory mechanisms provided by these statutes. Therefore, Lenin’s statement on the absolute powerlessness of the individual worker in the face of the capitalist holds good.

The unity of workers, in the form of a Union, then enables some level of bipartite or tripartite discussions, where worker and management are at the same bargaining table. In fact, given the power disparity between the workman and the management, Trade Unions are the only way to ensure the voice of workers, against their exploitation, to be heard. With the rise of collective class-consciousness, there is a possibility of collective bargaining. However, in the eyes of the Management, the worker is reduced to the labour she provides. Like Lenin said - “When industry prospers, the factory owners make big profits but do not think of sharing them with the workers; but when a crisis breaks out, the factory owners try to push the losses on to the workers.” Hence, the willingness of the Management to bargain is restricted to minor economic concessions

[1] [https://labour.gov.in/sites/default/files/Labour\\_Law\\_Reforms-06-03-2020.pdf](https://labour.gov.in/sites/default/files/Labour_Law_Reforms-06-03-2020.pdf)

that will allow it to continue its massive wage theft. If, in the opinion of the Management, the Union is claiming too much, then its constituent workers are replaceable.

## **The Strike as a Tool to reclaim Humanity**

In this context, the strike is a mechanism through which workers can claim not only their dues, but also their dignity and humanity. It is only through a strike that the Management is forced to realize that all the money it possesses will be of no avail without the working hands of the labourers. In the face of an intractable employer, a strike is used to claim fair and dignified work and working conditions.

The strike has long been used as a tool of last resort of the working class to make claims to a share in the management's profits and to economic emancipation. The right to strike is accepted in international law. In Indian law, it is given the position of a statutory, not Constitutional right, and subject to the regulation and restrictions imposed by the legislature in the ID Act, 1947.

Strikes differ from protests (for which there is fundamental right) in that they involve a cessation of work. As Dr. Ambedkar states

*"When a worker strikes, all that it means is that he commits a breach of contract of service : there is nothing more in it, and nothing less in it. ...A breach of contract of service is not a crime.. That means it is only a civil wrong.. . And, further, it is a civil wrong for which the remedy can only be damages and never a specific performance.. [T]he Indian Legislature does not make a breach of contract of service a crime because it thinks that to make it a crime is to compel a man to serve against his will ; and making him a slave. To penalise a strike, therefore, I contend, is nothing short of making the worker a slave. For what is slavery ? As defined in the constitution of the United States, slavery is nothing else but involuntary servitude. And this is involuntary servitude. This is contrary to ethics; this is contrary to*

*jurisprudence."*

According to Dr. Ambedkar, to criminalise strikes would amount to bonded labour. However, he acknowledged that *"The economic impact of the working class is the power inherent in the strike... As it is, this power is not adequate for the defence of the interests of the working class. It is maimed by legislation and made subject to injunctions, arbitrations, martial law and use of troops."*

It may be kept in mind, that the Industrial Disputes Act, 1947 gives a one month imprisonment period for illegal strikes in public utility services. The Supreme Court has also held that wages for strike period could be deducted unless it is proved not only that the strike was legal, but also that it was justified. This is extended by the Industrial Relations Code to ALL establishments, while further restricting the ambit of a legal strike. The position is drastically worsened in the Industrial Relations Code, 2020 (the 'IR Code') which has been passed by the Parliament and may now be brought into force with the stroke of a pen. The IR Code brings in the requirement of prior notice in all industrial establishments across the board, not only public utility services. Effectively, even in cases of blatant violations by establishments and in situations that require urgent collective action on the part of the workers, they must wait half a month to exercise their rights. The Code also makes strikes during the pendency of proceedings before the tribunal, or 60 days after, illegal, effectively enabling the management to take away the right of workers to strike by instituting legal proceedings. Importantly, the Code now makes it a penal offence punishable with a fine of minimum of Rs. 10,000 to a maximum of Rs. 50,000 for those who incite or instigate participation in an illegal strike, or knowingly spends money in furtherance of it.

A strike is also dealt with a heavy hand by both Managements and state agencies. In the words of Lenin, *"Strikes, therefore, always*

instil fear into the capitalists, because they begin to undermine their supremacy.”

### The future of the strike

The strike, however, must be seen as a ‘school of war’ and not the war itself according to Lenin, who viewed strikes as part of the larger process of politicization of workers that would train them for a revolutionary struggle. He says that “From individual strikes, the workers can and must go over, as indeed they are actually doing in all countries, to a struggle of the entire working class for the emancipation of all who labour.” This is of vital significance in the current political context of growing state-sponsored labour insecurity. The potential of individual strikes against a single management can only result in some level of economic relief for employees. In the context of profound insecurity too, economic struggles of the organized labour retain its striking power but needs to expand its scope and scale. The organized working class should also espouse the cause of the so-called contract labour, fixed term labour and trainees, who work on the same footing but are denied similar wages and service conditions. Regular employees should realize the larger implications and its impact of permanent jobs being eaten up similarly. The organized working class should join hands with the unorganized and the peasantry.

In this view, the future of strikes are those that are not just establishment-based alone, but that seek larger political changes.

The potential of strike as a weapon cannot be undermined, but must be used to seek social and economic emancipation of all workers. This is something that is inherently contrary to the agenda of the ruling powers. The transition from the economic struggle to the battle against the capitalist, communal and fascist union government is something that the working class must embrace. The tool of strike must be imbued with political colour to reach its true potential. ■





# INFLATION AND CORPORATE TAKEOVER :

## AN UNFOLDING TRAGEDY

★ SAURABH NARUKA AND V. ARUN KUMAR

In a video, a man walks into a vegetable shop for lemons. He pays 5 rupees for the lemon and presents a small glass. The vendor takes out a syringe, inserts it into the lemon. He pulls out 10 ml of lemon juice using the syringe and gives it to the customer. This video is a comedy sketch, which is going viral on social media. But underneath this comedy video lies a great tragedy unfolding in India.

The skyrocketing prices of food and fuel, exacerbated by rising unemployment is wreaking havoc for millions in India. Furthermore, the significant decline in workers' wage incomes pandemic in both urban and rural India and adverse impact of COVID -19 are pushing the poor into the corner. But as the crisis looms, the Narendra Modi led BJP government is busy passing the burden onto the people.

In terms of numbers, the retail inflation (at your neighbourhood shop, also known as the consumer price index or CPI) touching 7% (highest in last 18 months), it has breached the Reserve Bank of India's tolerance range of 2 to 6%. The Wholesale Price Index (WPI) too has hit a level of 14.55% in March, 2022. This means, the Wholesale inflation averaged nearly 13% in 2021-22, more than double the rate of retail inflation. The alarming fact is that this happens to be the highest annual number in three decades.

At the Wholesale level, the following commodities are shooting up the inflation graph - fuel and power inflation at 34.4%, wheat at annual 14%, vegetables at 19.9% and potato prices soaring at 24.6%. A look at the retail inflation data clearly provides us with warning signs- food prices are skyrocketing at the consumer/shop level. Food and beverages

inflation has hit 7.47% in March, with oils and fats at 18.8%. The vegetable inflation is crossing 11.6%, nearly doubling from the 6.1% rate in February)! Meat and fish prices recorded 9.63% inflation, up from 7.4% in February. Furthermore, commodities such as clothing and footwear inflation touched 9.4%, with footwear alone touching almost 11.3%.

This divergence in CPI and WPI rate means that in the coming months the consumers will be further hammered with the rising prices. The impact of drastic increase in prices of petrol, diesel and cooking gas in the mid of March (post the assembly elections in 5 states) will begin fully reflecting in retail inflation in coming weeks.

### Modi made Disasters- Back to back

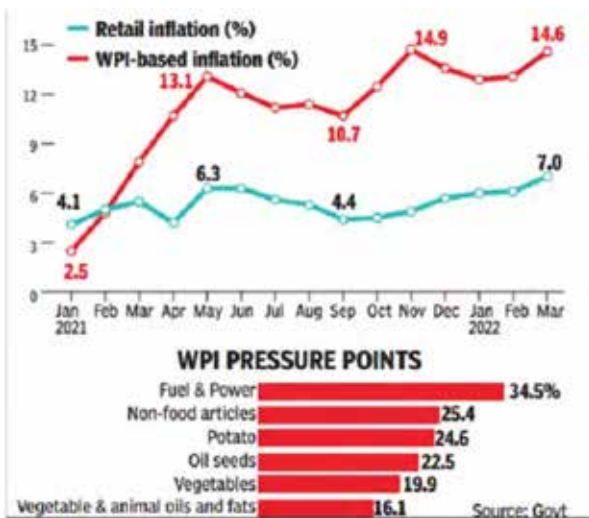
The above numbers and percentages of inflation are already hitting the masses hard and this crisis is not just due to the Russian invasion of Ukraine. While the war in Ukraine has disrupted the global supply chain and pushed the crude oil prices into an upward trend, the unfolding crisis is due to the cocktail of disastrous policy taken - demonetisation, Good and Services Tax (GST), divestment, privatisation and austerity - by the far-right and pro-corporate Modi government. The spillover effect of these policies has led to drastic rise in unemployment and fall in wages, which has further exacerbated the inflation.

### Neoliberal Rush

To understand the current inflation trajectory the current monetary policy of the government needs to be dissected. Since the BJP government came to power in 2014, the corporate role in

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policy making has been the mantra - which Modi calls as ‘Minimum Government, Maximum Governance’ or ‘Ease of doing business.’ But whatever the name may be, the crux is the corporate takeover. The corporates, like Adani and Ambani among others, have pushed for deregulation of prices of essential commodities including the cost of life-saving drugs, fuel prices etc. This means that the ‘market’ determines the cost of the commodities rather than the government controlling the prices for public good. For example, most pharmaceutical companies, on the pretext of Covid, have increased the prices of medicines by 20 per cent to 50 per cent. In case of fuel, the deregulation in 2010 and 2015 has pushed the cost of the domestic fuel prices towards an upward trend, even in the period when international crude oil prices were decreasing. This ever increasing

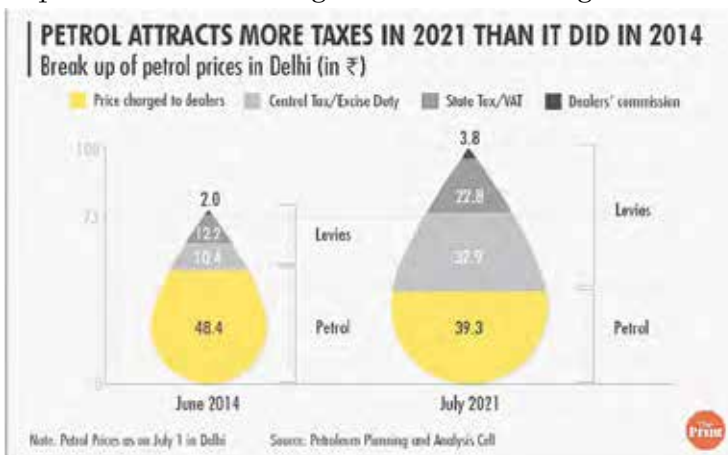
price of petrol and diesel by oil companies has put constraints on the supply and transport chain, thus increasing the prices of essential commodities like food and vegetables. The Central Government always has the option to cut the highest-ever taxation levels on petrol diesel to cushion the people from the increase in crude oil prices. To put things in context, if the Modi Govt only withdraws the increase in excise duty hiked by it after 2014, it would result in prices of petrol and diesel coming down by Rs 20/litre directly.

With rampant privatisation and divestment of Public Sector Undertaking/ companies and tampering with the Essential Commodities Act, the government is ensuring a complete corporate takeover. As much needed commodities and services end up at the hands of the corporate and away from government control, prices are skyrocketing amid corporate profiteering and fuel price constraints on transport. Privatization intensifies price inflation in general. But, despite the suffering of people, the government is a mute spectator and ultimately, this inflation is being passed on to the people.

**Loss of Livelihood**

At the same time as supply chain cost increases, the country has witnessed a decrease in wages and rise in employment, with millions of Indians unable to afford commodities required for daily needs. The disastrous policies of demonetisation and GST has further shut down several small and medium scale industries, leaving people without means for sustenance.

Studies have pointed out that as high as 84 % of Indians have taken a hit on their incomes during the pandemic while unemployment remains at a high level of above 8 percent. Labour Force Participation rate fell to historic level of less than 40 percent. This means less than 40 % of people in working age are looking for jobs presently giving up on hope of finding jobs believing that no jobs



exist. Thus, it's not that people are unemployed only but in fact they have even given up the hope of finding employment which is best manifested in tendencies of reverse migration to rural areas as survival becomes the priority.

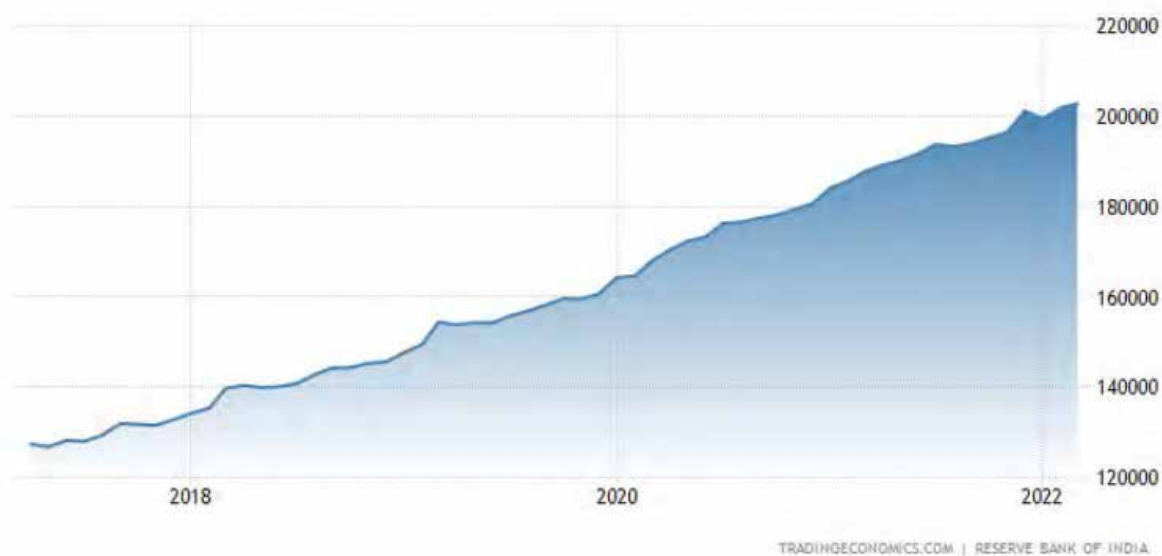
CMIE data shows that the actual labour force numbers have shrunken by 3.8 million during March 2022 to 428 million. This is the lowest labour force in eight months, i.e. since July 2021. Employment shrunk by 1.4 million to 396 million in March 2022, which was the lowest level since June 2021. Considering these employment and inflation numbers together it's not difficult to see that it's the ordinary Indian who are at the receiving end as Govt economic policies during Pandemic worsens the inequality further to devastating levels.

## The Credit Trap

As millions of Indians face loss of livelihood and means of sustenance, the government's solution has been to encourage more loans and credits instead of providing jobs. Central Govt and RBI has resorted to credit infusion to sustain aggregate demand. The lion share of much boasted 20 lakh Crore relief packages amidst COVID pandemic was actually in the form of extending credit in banking and financial

system through different monetary policy tools and schemes to grant credit in priority sectors. It's no secret to know that much of home loans and even Kisan Credit Cards (KCC) don't essentially go into the areas intended as it is very difficult to track actual usage. This credit based monetary policy has led to more inflow of cash in the market than the level of commodities. The expansion of credit can be seen in boost in M3, which shows availability of money supply in the economy and is used as a measure of money supply to determine policy regarding inflation. M3 means money supply that includes cash, savings deposits, and easily-convertible near money as well as large time deposits, institutional money market funds, short-term repurchase agreements (repo), and larger liquid assets. As per RBI figures, as on March 2022, M3 was around Rs 205 lakh Crore in comparison to Rs 168 lakh Crore in March 2022. This shows 22 % percent expansion in availability of money in the economy through credit easing.

The Repo rate (rate at which the RBI lends money to commercial banks) remained unchanged for years and it was only recently that the marginal cost of funds-based lending rates (MCLR) for the first time in three years. These soft loan policies



The drastic rise in the Money M3 from 2018 to 2022. RBI DATA

(with low repo rate and MCLR, people were given loans at low interest rate) meant that more people were encouraged to take loans. Further as prices of commodities increased and wages decreased/ lost, people were forced to seek loans from banks or micro finance for their survival. For example, the RBI recently has increased eligibility criteria for microfinance loans to those having an annual income of up to Rs 3 lakh, while removing the interest rate cap on such loans. The objective of this move was to encourage more people to access the easy-to-get-but-cut-throat microfinance loans. This push is visible in the ground as data shows that microfinance loan portfolio of all lenders grew about 10% year-on-year to Rs 2.56 lakh crore at the end of December, 2021, compared with Rs 2.33 lakh crore a year back .

Further, as the government pushes for cash transfer schemes instead of a strong Public Distribution System, there is increasing money revolving in the system. For example, the cash transfer scheme for farmers is being introduced by the government but at the same time reduce in subsidy for fertilisers is adversely impacting agricultural production. In this year's Union Budget, the government has cut subsidy Urea 17% and allocation for NPK subsidy reduced by 35%. In such a scenario, the cash transfer scheme is proving counter-productive as farmers are unable to procure fertilisers. This reduction in subsidy, combined with the shortage of fertiliser stocks is pushing the cost of agricultural production, and thus the cost of food and vegetable commodities.

With this money chasing the same level of commodity and services, the inflation is bound to increase with easy availability of money for speculative purposes too. In absence of actual expansion in Gross Fixed Capital formation in light of this credit infusion it can be concluded that much of it has gone to speculative purposes pushing commodity prices up. As per the latest figures available on the count, Investments as shown by the Gross Fixed Capital Formation or GFCF for Q3 of FY22 stood at Rs 11,50,761

Cr from Rs 11,28,117 Cr in the same period last year showing a growth of mere 2 per cent despite low base effect.

## **Speculation, Black Marketing and Profiteering**

As government remains a mute spectator to the tragedy unfolding due to corporate greed, the blackmarketing and profiteering are rampant.

The government policy approach of infusing liquidity to tackle declining growth increased inflation systematically by allowing speculative trading in commodities for profiteering and windfall gains by financial capital through future commodity trading in Multiple Commodity Exchange (MCX) and National Commodity & Derivatives Exchange Limited (NCDEX). The tendency of hoarding and black marketing of essential commodities at this time pushes it even further. The government wanted to legalise this practice as part of farm bills by diluting the Essential Commodities Act. The farmers movement didn't allow that to happen, but it's no secret that the actual implementation of the act on ground is almost negligible with govts more than willing to look the other way while hoarding and black marketing goes unabated.

Speculative trading on MCX and NCDEX was leading to price hike on essential commodities but the government has been neglecting it. It was only in Dec, 2021 when govt was pushed in a way to concede this when it banned trading in seven food items such as palm oil, soybean oil, sunflower, wheat, rice etc under pressure of public opinion and as a measure to show that it is serious about inflation but the step was too late and too little. The Central Govt has also been claiming that it is using measures like stock limiting, buffer stock and price stabilisation fund to regulate prices of food items. It's there for everyone to see that nothing seems to be materialising as brought out by inflation numbers themselves despite tall claims in absence of lack of actual capacity to intervene in material way due to structural constraints brought about by successive doses

of deregulation and liberalisation.

An RBI study points out this trend when it brings out the finding that for 16 major food items covered in the study such as Onion, Tomato, groundnut, Banana, Wheat, Tur etc farmers on an average gets only 28 % to 78 % percent out of retail prices of different commodities. Moreover, the profiteering tendencies also gets on roll with corporates hiking prices more than what is justifiable through increase in their input costs. This is most evident in drug prices where the pharmaceutical lobby has been able to pressurise the government in conceding to their demands of 10 % hike in prices of scheduled drugs and 20 % hike in prices of non-scheduled drugs justifying it in name of increase in input costs.

## Conclusion

Oxfam, in a report, warns that over 260 million people globally could be pushed into extreme poverty by the end of the year due to the pandemic and rising energy and food costs. Oxfam International said, quote, “Without immediate radical action, we could be witnessing the most profound collapse of humanity into extreme poverty and suffering in memory.”

India will have a large share of this 260 million people who are staring at extreme poverty as the prices skyrocket. India’s bandwagoning with policies of the International Monetary Fund (IMF) of austerity and cutting down of government spending on the social sector has led to a disastrous situation.

Without any means of sustenance and lack of public food security net, hunger and malnutrition will rise. According to Global Nutrition Report 2021, as many as 53 % of women of age group 15-49 years were anaemic. Another worrying figure is that 34.7 % of children under 5 years of age are stunted and 17.3 % of children under 5 are suffering by wasting, another life-long impact of prolonged malnutrition. Around 60 % of child mortality under the age 5 is directly linked to poor nutrition.

The unfolding tragedy of inflation has an eerie

similarity with COVID 19 pandemic in India. The pandemic has shown us how absolute lack of public sector intervention in health has led to death and destruction. As the pandemic waves hit India, the corporate medical sector attacked itself to the crisis like a parasite for its profiteering. The prices of essential and life-saving drugs (in the range of 25-180 %) and medical equipment/ services skyrocketed despite availability of stocks as the corporate sector looked for profit. In the end, the poor and toiling masses suffered and died.

Inflation can only be curtailed if the government is willing to move out of market fundamentalist mindset which is resulting in gross economic inequalities, supply side constraints, limiting production of essential commodities including stagnation in agriculture. It would require expansion of public procurement and distribution network and public sector alternatives across sectors to keep a check on corporate profiteering and speculation by financial capital, stockists and traders to determine prices in the market in their favour. This will require redesigning whole approach towards economic policy making. But with the government announcing openly its desire to privatise everything barring one or two public sector enterprises in a declared ‘strategic sector’, it’s clear that the government’s ability to intervene would only subside further.

This naturally will lead to corporate interests determining prices in market rather than objectives of public welfare and ensuring availability of commodities of mass consumption to people at reasonable prices. It is left only to unified assertion of people movement to pressurise govt to reverse this trend in economic policy making and demand regulation of prices, PDS and objective of people’s welfare as governing mechanism to determine prices in economy. ■

# EXPOSING THE BJP'S PLOY TO DENY ANGANWADI WORKERS/ HELPERS THEIR DUE READING THE JUDGMENT OF THE SUPREME COURT

★ CLIFTON D' ROZARIO

*Hunger feels like pincers, like the bite of crabs;  
it burns, burns, and has no fur.*

*Let us sit down soon to eat with all those who haven't eaten;  
let us spread great tablecloths, put salt in lakes of the world,  
set up planetary bakeries, tables with strawberries in snow,  
and a plate like the moon itself from which we can all eat.*

*For now I ask no more than the justice of eating.*

– *“The Great Tablecloth” Pablo Neruda*

On April 25, 2022, the Supreme Court passed an important judgment in the case of Maniben Maganbhai Bhariya vs. District Development Officer Dahod and Others, holding that Anganwadi Workers (AWWs) and Anganwadi Helpers (AWHs) are entitled to the benefits under the Payment of Gratuity Act, 1972. This judgment, recognising Anganwadi workers and helpers as workmen and their legal right to gratuity, in itself, represents a major victory for the nation-wide movement of the Anganwadi workers and helpers and is a result of their fearless struggle over the past few decades. Most recently AWWs/AWHs, across the country, participated in great strength in the nation-wide General Strike on March 28-29, 2022.

## A Brief History of the Case

The facts of the case are necessary to understand the determination with which Maniben Maganbhai Bhariya and four other AWWs and AWHs have pursued this litigation. The five of them joined as Anganwadi workers/helpers between the period 1982-1985 and served for 21-31 years and stood retired between February 2006 and February 2012. When gratuity was not paid to them, each of them filed their applications before the Controlling

Authority under the Payment of Gratuity Act, 1972, which granted them gratuity by holding that Anganwadi Workers (AWWs) and Anganwadi Helpers (AWHs) are entitled to gratuity. The said order was challenged by the State before the Appellate Authority, which dismissed these appeals and confirmed that the AWWs/AWHs are entitled to gratuity. The State further challenged this before the High Court of Gujarat, wherein the Single Bench dismissed their case vide judgment dated 6th June 2016. However, the State further challenged the Single Bench order before the Division Bench of the High Court of Gujarat, which allowed the State's appeal. The Division Bench vide judgement dated 8th August 2017 held that AWWs/ AWHs could not be said to be employees and the ICDS project cannot be said to be an industry. Further it held that as the remuneration or honorarium paid to them cannot be treated as wages, they are disentitled to gratuity.

It is this judgment dated 8th August 2017 that these workers and the Gujarat Anganwadi Karmachari Sangathan challenged in the Supreme Court, which has now held that AWWs/AWHs are entitled to gratuity. The Supreme Court, thereafter has directed that

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the State of Gujarat shall, within a period of three months from the date of the judgment (25th April 2022), take all necessary steps by the concerned authorities to extend benefits of the said Payment of Gratuity Act, 1972 to the eligible AWWs and AWHs in the state of Gujarat and further directed that all eligible AWWs and AWHs shall be entitled to simple interest @ 10% per annum.

Besides upholding this right to gratuity of the AWWs/AWHs, there are certain crucial aspects of this Supreme Court judgement which need to be emphasised.

### 1. Role of AWWs/AWHs:

The Supreme Court has accorded the highest recognition to AWWs/AWHs by recognising them that these “frontline women workers are the backbone of the ICDS”, who facilitate child nutrition besides fighting malnutrition, “played a pivotal and significant role during the Covid-19 pandemic which was the unprecedented health war faced by the nation in responding to the various challenges posed”. The Court recognises that it is the AWWs/AWHs who are instrumental in the effective implementation of the State’s duties and responsibilities under the National Food Security Act, 2013. The Court has also recognised that it is the AWWs/AWHs who discharge the State’s obligations of providing pre-primary education to children of the age group of 3 to 6 years under section 11 of the Rights of Children to Free and Compulsory Education Act, 2009 (RTE Act).

#### 2. Full-time job:

In view of the abovesaid role of the AWWs/AWHs,

the Court has concluded that AWWs and AWHs perform statutory duties and the posts of AWWs and AWHs are statutory posts. The Court has also concluded that in view of the duties performed by the AWWs/AWHs, it can no longer be said that they are “part of any temporary scheme of ICDS” and it “cannot be said that the employment of AWWs and AWHs has temporary status”. The Court has explicitly concluded that it is “impossible to accept the contention that the job assigned to AWWs and AWHs is a part-time job. Considering the nature of duties specified thereunder, it is full-time employment.”.

### 3. Honorarium or wages?

The Supreme Court has conclusively rejected the oft-repeated argument of the Government that AWWs/AWHs are paid honorarium and do not receive wages. To quote: “Learned counsel for the State has given much stress on the honorarium paid to the Anganwadi workers/helpers. Suffice it to say that the honorarium is basically the quantum of money offered/conferred to somebody who is especially a professional or a well honoured person for providing services. It is a voluntary process. However, what is being paid to Anganwadi workers/helpers with a nomenclature used by the respondents in projecting the term ‘honorarium’, is in fact the ‘wages’ that has been paid for the services rendered at the end of the month.”.

### 4. Correcting its own historic injustice

Every AWW/AWH and their organisation knows of the injustice caused to their cause by the 2007 Ameerbi judgment of the Supreme Court. In this

case, the Supreme Court held that the posts of AWWs were not statutory posts and the same have been created in terms of ICDS and that there was no relationship of employer and employee between the State Government and AWWs. However, the Supreme Court in the present case, has effectively diluted and nullified the Ameerbi judgment. The Supreme Court has now held that: “Much water has flown after the decision in the case of Ameerbi (supra) was rendered in the year 2007. When the said decision was rendered by this Court, the 2013 Act was not on the statute book. As noted earlier, the Anganwadi centres established under ICDS have been given statutory status under the 2013 Act. Moreover, under Sections 4, 5 and 6 of the 2013 Act, the Anganwadi centres perform statutory duties under the 2013 Act.”. As such the Supreme Court has not recognised that AWWs and AWHs perform statutory duties and the posts of AWWs and AWHs are statutory posts.

### **5. Taking judicial notice of the demands of AWWs/ AWHs and directing the Government to consider them**

The Supreme Court has pointed out the unjust and dismal conditions of service of AWWs/ AWHs and directed the Union Government take appropriate measures to ameliorate their situation. The Court has held that AWWs/ AWHs“ are deprived of a regular salary and other benefits that are available to employees of the State. Instead of a salary, they get only a so called paltry ‘honorarium’ (much lower than the minimum wages) on the specious ground that they are part-time voluntary workers, working only for about 4 hours a day.” Further the Court has held that the time has come when the Central Government/ State Governments has to collectively come to find out “modalities in providing better service conditions” commensurate to the nature of job discharged by them. The Supreme Court has noted that, in the State of Gujarat, AWWs are being paid monthly remuneration of only

Rs.7,800/- and AWHs are being paid monthly remuneration of only Rs.3,950/- while AWWs working in mini-Anganwadi centres are being paid a sum of Rs.4,400/- per month. After noting this the Court concludes as follows: “For all this, they are being paid very meagre remuneration and paltry benefits under an insurance scheme of the Central Government. It is high time that the Central Government and State Governments take serious note of the plight of AWWs and AWHs who are expected to render such important services to the society.”

The fundamental issue though is the resistance put up by the BJP Governments at the Centre and State to the struggle of the AWWs and AWHs, even in Court. The abovesaid findings of the Supreme Court were in rejection of the arguments forwarded by Advocate Aastha Mehta, who appeared on behalf of the State of Gujarat and Ms. Aishwarya Bhati, the Additional Solicitor General who appeared on behalf of the Union of India. The fundamental aspect cannot be ignored, that the BJP government fought tooth and nail against AWWs/AWHs getting their due rights. Indeed, this judgment affirms that the BJP governments at the Centre and State have suffered a telling blow at the hands of the sustained struggle of the AWWs and AWHs. The BJP government at the Centre must respect the conclusions of the Supreme Court, and the demands of AWWs/AWHs and immediately take all necessary steps to recognise and grant them the status of employees, revise their wages and declare better conditions of service on par with government servants.

We can safely assume that the BJP government will not do this and a big battle lies ahead. Intensified struggles must be waged to compel the BJP to obey the Supreme Court order and meet the demands of AWWs/AWHs. ■



# MESSAGE OF GREETINGS TO THE 18TH WORLD TRADE UNION CONGRESS OF WFTU

**(6-8 May 2022) in Rome, Italy**



## ***Dear Delegate comrades,***

Red Salute to all, and Greetings from AICCTU and millions of working people of India on this great occasion of 18th World Trade Union Congress of WFTU. At the outset, we would take this opportunity to salute the dock workers of Italy for stopping the Arms Shipment to Israel in May 2021 in an exemplary move of solidarity with the people of Palestine. We salute the militant working class movement of Italy for its relentless resistance to the neo-liberal and imperialist designs.

The 18th World Trade Union Congress of WFTU is being held in the backdrop of the unlimited miseries heaped on the humankind

by COVID 19. These miseries in the form of millions of deaths including health and front-line workers, massive job loss, skyrocketing poverty and inequality, etc. were more the making of the brutal and profit-driven capitalist system and the governments across the world which run it. On one hand, the Pandemic has exposed the complete failure of private health care system and at the same time revealed the severe lack of much-needed public health care across the world particularly in the richest countries, the leaders of capitalist system including the US and UK. On the other, it has also gone to show how the capitalist governments including the Indian government used this most serious 'crisis' facing humanity as an

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“opportunity” to push through their agenda of neo-liberal policies resulting in curtailment of labour rights, minimizing the minimum wages and social security and pushing the vast majority of toiling masses to hunger and destitution, while the richest 1% continued to amass wealth. In addition, the whole world saw the unprecedented crisis for migrant workers in India who, due to sudden and whimsical lockdown by government led by Modi, in several thousands were forced to travel, facing hunger, hundreds of miles on foot in the absence of any transport from the province of their workplace to their native places resulting in deaths of hundreds of men, women and children. So, it is the brutal capitalist governments which are mainly responsible and accountable for the inhuman miseries faced by common people across the world due to pandemic.

The crisis of capitalism and its policies of neo-liberalism and globalization is worsening by the day, only further aggravated by pandemic. This crisis is being passed on to the shoulders of working people. As these policies reach their peak with 4th Generation of Globalization and Industry (including automation and artificial intelligence), they suffer from all round failure in respect to even the essential needs of people i.e. Health, Jobs, Living wages, Social Security, etc., i.e. to say failure to ensure social production of labour even at the level of bare subsistence. The rights of working class are being snatched pushing the workers into 19th century slavery. And, Crisis of neo-liberal economy is being dealt with the conscious pushing and furthering of trends of authoritarianism, totalitarianism, racism and Islamophobia in a significant part of world, dislodging democracy. The working class must unitedly thwart these divisive machinations and stop them.

Challenging the increasing neoliberal and right wing onslaught on the working class and toiling masses, powerful resistance including collective actions of the working class across

the world are witnessed. Across the globe we are witnessing powerful movements against attacks on labour rights, minimum wages and social security.

To mention some, the recent successful unionisation in Amazon industry in the United States is an inspiring chapter for working class movements across the world. The international Palestine solidarity call against the Apartheid Israel's Zim shipping was joined by working class organisations across the world. Similar international collective actions were taken against ships carrying NATO armaments meant to be used against the people of Yemen. The impact of these actions reiterates the importance of further strengthening the global solidarity among working class against all forms of oppression. In Latin America and Northern Africa, we are witnessing a wave of protests against IMF loan and austerity policy interventions.

Since the beginning of the pandemic, we have witnessed increasing labour actions amidst the healthcare systems across the world, which suffer from low wages, contractualisation and inhuman working conditions. Similarly, the gig economy has witnessed a surge since the pandemic and delivery workers face significant issues, including low pay, poor working conditions, and extremely long working hours. The delivery workers in South Korea went on a series of strike in 2021 and similar working class actions are taking place across the globe.

The present international situation is also marked by continued attacks for more than two months on Ukraine by Russia which is of grave concern. We demand an immediate stoppage of war and diplomatic solution. At the same time, we strongly condemn the continuing interference by the US and NATO constituents on the pretext of Ukraine and demand dismantling of NATO.

India, which is being ruled for 8 years by a majoritarian, fascist government called ‘Modi govt.’ has witnessed a massive destruction of

livelihood and rights and constitution. The pandemic crisis was turned into opportunity up to the hilt to aggressively push the corporate, neo-liberal agenda. Replacing and doing away with protection of all labour laws, 4 labour code Acts were enacted pushing the workers into slavery; EDSA (Essential Defence Services Act) was brought to snatch the right to strike and even protest by Defence workers; policy of monetization has been brought for wholesale privatization of all public sector undertakings and government department including those of strategic importance to the country and people's life, like Railways, Defence, Banks, Insurance, etc.; 3 Farm Acts were enacted for corporate takeover of agriculture land; and at the same time, a regime of oppressive laws and diktats is being established. Not to talk of job loss during pandemic, even post-COVID the contractual and other informal workers are being thrown out of jobs in thousands. A large number of contractual health and other informal workers, who played the role of frontline workers during pandemic and were promised job permanency and benefits, have been thrown out of jobs.

While under this government, India is witnessing the corporate takeover, at the same time secular fabric of our country is being demolished by fomenting communal hatred and particularly targeting Muslims and creating Islamophobia. Under this government India has come closer to Israel and become a partner of US-Israel nexus against Palestine. Overall, the Modi government has come to be symbolized as the rule of corporate-communal-fascist forces.

But these policies and measures have met with powerful resistance. Our country witnessed historic farmers' movement, fully supported by trade union movement, which compelled the government to withdraw the anti-farmer, anti-people Farm Acts.

The Platform of 10 central trade unions of the country, including AICCTU, continues to unitedly resist the rightist attacks on working

class. It launched several all India protests, industrial and sectoral actions including two all-India general strikes since beginning of pandemic the latest being the strike on 28-29 March 2022. Meanwhile, workers of various sectors, like Coal, Defence, Banks and other financial institutions have organized strikes against the privatization move. The country is witnessing powerful protest movements including strikes by various sections of informal and contract workers. Currently, against retrenchment the contract workers of Indian Telephone Industry are on path of struggle for more than 5 months and similarly the contract health workers for more than a month, both led by AICCTU. One of the most notable developments for some years is the rising, independent assertion of women workers of the informal sector, more than 10 million of honorarium workers (not recognized as workers and forced to work without actual wages, but just pittance) working in various govt. services and their increasing participation in working class struggles.

So, the working people of the entire world stand in powerful resistance against the neo-liberal, imperialist attacks. The situation today demands focused, powerful working class assertion against rising trends, in different forms, of authoritarianism and fascism. Let the 18th World Trade Union Congress of WFTU take up this urgent task and usher a new phase of powerful working class solidarity movements to thwart designs of authoritarianism and fascism.

***Long Live International Solidarity of the Working People!***

***Long live WFTU!***

***Down With Imperialism! Down with Fascism!***

***Rajiv Dimri***

***General Secretary, AICCTU*** ■

# IN SEARCH OF 'DIGNITEA' PLANTATION WORKERS OF ASSAM

★ AVANI CHOKSHI AND SHILPA PRASAD (INPUTS FROM BIBEK DAS)

The mass-scale exploitation of tea plantation workers in Assam and across the country has been well documented over the years. Recently, certain orders of the Hon'ble Supreme Court and the One Member Committee constituted by the Court to look into the issue of pending dues of these workers, highlights even further the abysmal situation the workers are forced to survive in, and the wholesale violation of their statutory and constitutional rights.

The case in question arose out of a petition filed by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (hereinafter referred to as "Union") before the Supreme Court in 2006 [WP(C) No. 365/2006], wherein it was claimed that plantation owners owed huge amounts in pending wages, gratuity, and provident fund to tea workers. It was contended by the Union that the Central Government had failed to take steps to recover the same from the plantation owners in terms of the provisions of the Tea Act, 1953.

It its Interim Order dated 30.04.2009, the Supreme Court had directed the concerned State Governments to ensure provision of work under MNREGA / Anganwadi Scheme, and to also ensure that if there was acute poverty, food was provided for free or at subsidized rates. Subsequently, in its judgment dated 06.08.2010, the Supreme Court disposed of the matter, while holding as follows:

"No steps have been taken under the provisions of Tea Act, 1953. The Tea Estates have been abandoned by the Tea Companies. The workers are left high and dry. They are

living in a pitiable condition. They have not received their dues. Till date, several meetings have been held. However, there is no outcome. In the circumstances, we direct the Central Government to carry out their statutory duties under the provisions of Tea Act, particularly, in terms of Sections 16B, 16C, 16D and 16E within a period of six months from today."

The provisions of law referred to by the Supreme Court in its judgment grant the Government the power to investigate into the situation of a tea undertaking / unit and to take over the same under certain conditions.

Unfortunately, the judgment was never complied with. Therefore, a contempt petition was filed for its violation [Contempt Petition 16 / 2012]. The Supreme Court, in its order dated 04.04.2018 found that "workmen, who worked for about 20 years have not been paid their wages. Their condition is pitiable and some of them have resorted to suicides. In some cases, these workmen are part of an unorganized Sector. In some cases, proceedings have been initiated by the workmen and in some cases by the Government for recovery of dues. The amounts have been locked in litigation and without any relief to the workers." In respect of the State of Assam, it was directed that the necessary funds of rupees ninety-nine crores would have to be given by the State of Assam for disbursement to retired employees. It is pertinent to note that the State of Assam had submitted before the Supreme Court that there were over 16,000 retired workers and staff of the Assam Tea Corporation.

Even after the passage of one and a half years, the State of Assam had only disbursed

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Rs. 76 crores out of the Rs. 99 crores that it was directed to deposit. Therefore, a One-Member Committee was constituted by the Supreme Court to settle the claims of the workers, headed by the Justice Abhay Manohar Sapre, retired Judge of the Supreme Court (hereinafter referred to as Sapre Committee).

At this stage, the COVID-19 pandemic hit India. In this context, the Assam Sangrami Chah Sramik Sangha (“ASCSS”) affiliated to AICCTU, with more than 25,000 tea garden worker members, filed an application before the Supreme Court seeking payment of lockdown wages. The ASCSS relied on the circular dated 02.04.2020 issued by the Government of Assam directing all the plantation owners to disburse wages and ration to the plantation workers during the period of lockdown. It was noted that in several estates / plantations, workers had received no lockdown wages at all, and only some atta (flour) as rations. It was further stated that “The workers in tea gardens are in dire circumstances and are facing extreme poverty. The earlier reports from the tea gardens suggest many starvation deaths due to non-payment of wages. With the lockdown this situation will further aggravate and may put many lives at stake.”

The matter then came up before the Supreme Court on 18.01.2021, and the Court directed that the Sapre Committee should go into the claims made in the petition and pass appropriate orders specifying the exact amount that is due to the workmen.

Subsequently, the Sapre Committee passed an Order dated 02.04.2022 in respect of the dues of tea estate workers in Assam. The Order reveals the huge pending amounts due to the workers. For instance, the Management of Hautley Tea Estate, Golaghat District has over Rs. 4.3 crore due in interest alone on delayed payment of PF. Similarly, in respect of Hukanpukhuri Tea Estate, Tinsukia, pending gratuity and interest on gratuity of



over Rs. 1 crore each are pending and almost 2 crore is pending in interest on delayed payment of gratuity. In Hukanpukhuri tea estate, there are 461 workers whose dues have been pending for years, but the Management has been given further time to pay off pending amounts in instalments due to the contention of the Advocate that the owner is in poor health and the quantum is large. The Sapre Committee has been monitoring and ensuring the payments of pending amounts in instalments and noting balance dues. The workers are yet to be paid their dues, pending now for over 16 years.

In respect of lockdown wages, the Sapre Committee had directed tea estate owners to submit their replies. The State of Assam stated that in respect of non-payment of wages, various authorities had been appointed, but no applications had been filed by the ASCSS before them. Hence, the Union was directed approach the relevant authorities within 30 days of the Order dated 02.04.2022, and the same were to be disposed off within 30 days from receipt of such applications by the Union/individual workmen.

In respect of crores of earned dues (in minimum wages, gratuity and PF) that were admittedly pending, the failure of the government is glaring and the intervention of the court is lacklustre. The non-payment of earned wages is nothing but literal wage theft by managements who earn in crores from workers and whereas workers only earn meagre minimum wages through their sweat and blood. While the intervention of Justice Sapre to ensure payment of decades old pending wages to workers is welcome, it is far from adequate. In fact, the Payment of Wages Act, the Payment of Gratuity Act and the Employees' Provident Funds and Miscellaneous Provisions Act - all provide for prosecution and imprisonment of offenders.

Assam boasts over 10 lakh tea workers in the organised sector alone, working in about 850 big estates. The State of Assam produces

roughly 55% of India's tea, forming large portions of the domestic consumption and exports. However, the workers earn abysmal amounts, with even the minimum wage being placed at Rs. 205 a day (after a recent hike in May 2021), which workers are not paid by most tea estates. A report by Oxfam and IIT-Bombay has found that tea plantation workers in Assam get less than a fourth of the proposed living wage of Rs. 884. A living wage is the wage envisaged in Article 43 of the Constitution, which is the wage required to ensure a decent standard of life, dignity, and full enjoyment of leisure to workers. Often, there is a chasm of a difference between the minimum wage and living wage which is actually required for a dignified life. However, even with this glaring gap, even minimum wages have not been paid to the tea plantation workers of Assam.

The fact that the Government of Assam has denied thousands of workers the wages due to them is indicative of their contempt for the working class, and their commitment to silently permit burgeoning tea estates to continue exploiting workers in the name of business. The State's lackadaisical approach to the payment of the workmen's dues, its lack of compliance of the Sapre Committee's and Supreme Court's orders, are evidence of its betrayal of the working class. Tea plantation workers, forming part of the most vulnerable sections of the society in Assam, have toiled for decades for the State to be able to play host to the best quality tea and tourism in its tea estates. Workers, who have built the state to its present economic stability, and form the backbone of the industrial output of the State, are being deprived of their fundamental right to live with dignity. ■

## INTERVIEW

# THE SAHARA SCAM

★ SAURABH

### **Interview with Vijay Kumar Verma, Convenor, Sahara Sangharsh Samiti, Udaipur**

**1. What is the SEBI case regarding Sahara Credit Cooperative Society not paying its dues?**

**Vijay Verma:** The dispute of Sahara and SEBI is going on regarding two schemes, related to real estate and housing.

**2. When did this dispute emerge? How many depositors are likely to be impacted and how much money is involved?**

This case is going on in the Supreme Court since 2013. The savings of 10 to 12 crore depositors is stuck in this dispute. These depositors had invested in the Sahara Credit Cooperative Society.

**3. In which case was the Sahara chairman Subrata Roy convicted and sent to jail? On what grounds is he out on parole and for how long?**

The Supreme Court had convicted Subrata Roy in 2013 in a dispute between Sahara and the SEBI. As of now, the ongoing case in the Supreme Court involves two schemes run by Sahara, related to real estate and housing. This dispute pertains to more than Rs. One Lakh Crore dues that are yet to be paid.

Roy was granted parole by the Supreme Court because his mother had died, under the condition that Rs. Ten Thousand Crore would be deposited in the Supreme Court. However, Roy has remained out of jail after he was released on parole.

**4. What are Sahara's depositors demanding?**

**Vijay Verma:** Sahara investors are mostly poor laborers or middle class. These investors faced great financial difficulties when they lost their

savings in various Sahara schemes. Today, their only demand is that they should get their dues back with immediate effect.

**5. There is an allegation that in the Amby valley, Pune, project, the money of small depositors was used by the Sahara Credit Cooperative Society. What do you have to say about this? Is this also against any relevant law?**

If any credit cooperative society invests anywhere, then it can invest only as per guidelines from the nodal department of the concerned government. Sahara India Credit Co-operative Society is known to have invested more than Rs. 28,000 Crores in Amby Valley on its own volition, which is really in plain and in simple terms cheating with the public.

**6. What are credit cooperative societies in layman's language, and how did Sahara manage to reach out to millions of depositors through them?**

Sahara Credit Co-Operative Society had taken the license to operate as a Multi State Co-Operative Society from different State governments. It used to get money from field workers, through schemes of daily, monthly savings and fixed deposits running in all the states.

The Sahara Credit Cooperative Society had built a huge team of field workers who were selling big dreams to people. At one time, these field workers could not see anything except Sahara. It is through this vast army of field workers that Sahara collected big money for all kinds of schemes of Sahara from all over India. With time, many deposit schemes were

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launched and sold by marketing the schemes as lucrative savings products with high rate of interest.

### **7. What is the legal role of the concerned Ministries, Departments or Agency of the Government in regulating the functioning of the Credit Co-operative Society?**

The license of the Multi State Co-Operative Society was obtained from the Ministry of Agriculture, Cooperation and Farmers Welfare, Delhi. As of now, the concerned department dealing with cooperatives has been separated from the Ministry of Agriculture, Cooperation and Farmers Welfare and is under the Ministry of Cooperation (formed in July 2021) headed by Amit Shah. Another Sahara scheme is licensed from the Government of Andhra Pradesh. For all of these schemes, the nodal agency remained the Ministry of Agriculture, Cooperation and Farmers Welfare (now Ministry of Cooperation).

### **8. Which laws do you think Sahara did not follow? What has been the role of the Ministries, Departments, Agencies so far?**

Like any Multi Credit Cooperative Society, Sahara India Credit Cooperative Society has to disclose how much money is invested and where it is invested. All this is monitored by the Department under the Ministry of Agriculture, Cooperation and Farmers Welfare (now Ministry of Cooperation) which checks the balance sheets and the Profit and Loss accounts. Over time, the aggrieved investors began to get concerned as to why the credit cooperative society was not paying their investment back.

Despite supposed monitoring by the concerned government department, Sahara India Credit Cooperative Society invested in a real estate project under the same Sahara group - Lonavala Amby Valley - on its own, without permission from the Ministry of Agriculture, Cooperation and Farmers Welfare (now Ministry of Cooperation). It also withdrew Rs. 20,000 crores to fund Subrata Roy's parole. In fact, investments in other places too was undertaken on the basis of dubious reports

where wrong figures were quoted. Investors who invested voluntarily based on trust faced a deceit, and today a vast section of ordinary citizens of India are facing hardships regarding repayment of their investment.

On 22 March 2022, the Delhi High Court took cognizance of various complaints and has banned Sahara's investment in new businesses. The Registrar, Cooperative Societies, has been asked to redress various complaints at the earliest. The Registrar has also been instructed to submit a compliance report.

### **9. What has been the role of RBI and SEBI in Sahara's case?**

Vijay Verma: The Reserve Bank of India has withdrawn the non-banking license issued in 2008. The RBI had given Sahara time till 2015 to repay what was due under the schemes launched using this license. This license was ultimately surrendered because of the tough conditions placed by the RBI. According to these conditions, 80% of the money had to be kept as security in Government issued financial instruments, and management was left only with 20% for other activities.

SEBI was misled by the management of Sahara. Permission for Sahara's real estate and housing scheme was taken on the basis of a dubious wrong report submitted to the regulator. Sahara started the planned scheme of monthly savings and fixed deposits. It did not launch the promised IPO and when caught, it was ordered to pay back the investors. It was from here that the dispute of Sahara - SEBI began.

From 2013 to July-August 2020, all the field workers were lured into dubious real estate and housing schemes, and the bonds of real estate and housing schemes were switched to other schemes. These schemes were made lucrative by Sahara offering 2.35% interest per month for 6 years. Even till 2018, no repayment was however made to the investors, and the investments were once again shifted to some other scheme. The old schemes were shifted to new schemes, and in the case of emergency,



some depositors were repaid part of their investment.

**10. Are there any restrictions on Sahara right now? Are they still working and allowed to take savings from people?**

All the divisions/verticals run by Sahara were unsuccessful. Several schemes were closed midway or banned by the government, and ordinary people who had invested in these schemes bore the brunt. Sahara Life Insurance is banned from doing new work. The large and hefty fee was prohibitive for children of general public but for the elites. Agents who were lured with high commissions also have not been paid. All kinds of product divisions and housing projects have failed. Ordinary depositors small savings have been diverted in commercial businesses. Ordinary depositors' money was invested in FMCG and in endorsing the Indian Cricket team. Despite all this, Sahara is still running some schemes, in a blatant violation of the law. Some hope has however now emerged, with a court in MP issuing a non bailable warrant.

**11. How many cases related to Sahara are going on in the courts till now and what is their status?**

Thousands of FIRs have been filed all over India; many arrest warrants have been issued against Subrata Roy and his management. However, the police hasn't yet arrested the biggest thug who cheated thousands of poor people. This of course raises a question mark on the functioning of the police administration. It has been conclusively proved that Sahara cheated ordinary people, and yet all agencies from the Central Government to various State Governments and local administrations seems to be complicit. This also raises a serious question mark on the India's judicial system.

**12. What do you have to say in response to this?**

All we have to say in this is that both the Central Government and the State Governments should negotiate to get justice and repayment

of investment made by ordinary people. They should take concrete action against Sahara, and help people get back their investment by seizing Sahara's property.

**13. Can you give information about the struggles of the Sahara Sangharsh Samiti in Udaipur?**

The position of Sahara Credit Cooperative Society is very bad. Poor people have been kept in the dark. In Udaipur city, amount pending for repayment is more than Rs. 2000 Crores. If we talk about the Udaipur division, more than Rs 6000 crores is pending and for the whole of India, the pending amount is more than Rs One Lakh Crores.

In Udaipur, the Sahara Sangharsh Samiti's struggle is going on for the past one and a half years. It has also won some repayment to the investors, after filing a complaint against the Sahara Credit Cooperative Society in the Ministry of Agriculture, Cooperation and Farmers Welfare (now Ministry of Cooperation) in Delhi.

The Sangharsh Samiti has also approached the SP and District Collector of Udaipur, and all officers on the high posts in the Rajasthan Government. Our Sangharsh Samiti of Udaipur is attempting to provide justice to the poor people. Efforts are being made to make people aware, in order to prevent people from falling into the trap of such fraud credit cooperative societies. We are running a mass movement and also pursuing the legal path to ensure repayment of peoples' investments. We hope the struggle of people of Udaipur and their resolve will save the Sahara depositors across India.

**14. What do you expect the government to do? How do you think it should intervene?**

Vijay Verma: All directors of Sahara India should be jailed for life or else 100% repayment should be made. Nothing short of this is acceptable to us. ■

# LABOUR SNIPPETS – MAY 2022

★ LEKHA

## State has to Pay Salary Even if Appointment was Irregular

The appointment of a school principal was cancelled on account of him being a close relative of a member of the selection committee which appoints principals in State Government recognized schools, in the year 1988, which is in violation of the UP Educational Manual. The school alleged that the amount paid to him on account of his appointment as principal must be recovered from him as his appointment was deemed to be irregular. However, the Supreme Court noted that the school principal had rendered 24 years of service before his appointment was cancelled for the aforesaid reasons and that even if the appointment was irregular, the school principal had discharged his duties, and hence, had to be paid for the same and observed - “The State cannot take any work from any employee without payment of any salary.” Therefore, the Supreme Court set aside the order of cancellation of appointment as wholly illegal and untenable, and directed the school to treat the principal as retired and to pay pensionary benefits due to him for the services rendered.

*Man Singh vs. State of Uttar Pradesh [Judgment dated 31.03.2022 in Civil Appeal No. 7841 OF 2011 passed by the Supreme Court of India]*

## Gujarat HC Grants Pensionary Benefits to Daily Wagers Who Have Completed 240 Days of Service

The Gujarat High Court held that the workers, who were daily wagers and petitioners before this court, are entitled to pensionary benefits and other terminal benefits after considering the entire length of their service from the date of their joining. The workers

were seeking the revision of their pension and payment of gratuity from the date of their initial appointment, along with arrears, and also to release the benefits of 300 days unavailed privilege leave with interest. The respondents, including the State Government, were directed to fix the pension of the workers by counting their service from the date of their initial joining, until the date of their retirement, and in doing so, each year of service preceding the date of regularization in which years the workers have completed 240 days of continuous service for the purpose of recalculating the pension.

*Harkishanbhai Dahyabhai Lad vs. State of Gujarat [Judgment dated 01.04.2022 in Special Civil Application No. 11624 of 2020 passed by the High Court of Gujarat]*

## Wage Deduction for “Go Slow” Approach Only After Workers are Heard

The Supreme Court has affirmed the order of the High Court of Karnataka which held that if workers take a “go slow” approach as a form of protest against the management, the management cannot unilaterally deduct wages from the workers without giving them a fair opportunity to respond, and had directed the company to pay the workers the wages thus deducted. Bata India Ltd. had challenged the order of the High Court stating that the “go slow” approach was nothing but refusal to work and therefore, in such situation, the management is justified in reducing or paying pro-rata wages. The Supreme Court has reiterated that the company must pay full wages to the workers.

*Bata India Ltd. vs. Workmen of Bata India Ltd. [Judgment dated 29.03.2022 in Civil Appeal No. 6794 / 2010 passed by the Supreme Court of India]*

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## **Delhi High Court Directs Private Unaided School to Pay Teachers as Per 7th Pay Commission**

In a petition filed by teachers of a private unaided school in Delhi, seeking payment of wrongful deduction in wages, fixation of payment in terms of 7th Pay Commission since 01.01.2016, including payment of arrears, among other prayers, the High Court of Delhi has granted relief to these teachers by directing the school to re-fix the salaries and other emoluments of the teachers as per the 7th Pay Commission in accordance with the rules and to pay arrears within a period of three months from the date of the order, and in case of delay in making the payment of arrears beyond the period of three months, an interest of 6% per annum shall be levied. The High Court also held that the teachers of unaided private school are entitled to the benefits as is being given to the employees of the government-run schools.

*Mrs. Omita Mago & Ors. vs. Ahlcon Public School & Anr. [Judgment dated 24.03.2022 in W.P.(C) 4979/2021, CM APPL. 15265/2021 passed by the High Court of Delhi]*

## **Hospital Workers Across Country Anticipating Retrenchment**

Even as AICCTU has been protesting against the anticipated retrenchment of hundreds of workers in Ram Manohar Lohia hospital, Lady Hardinge Medical College, Rajkumari Amrit Kaur College of Nursing, Sucheta Kripalani Hospital and Kalawathi Saran Children's Hospital in Delhi, a spate of terminations are anticipated in hospitals of Dehradun and Madurai as well. Despite these workers rendering their services through out the pandemic and serving the people of this country, the hospital managements are arbitrarily terminating the workers without prior notice. Over 600 workers who are employed under the sham contract system in the Government Doon Medical College and

Hospital have been protesting against their illegal termination since March 31 and news reports quote workers as stating that over 2,200 workers will be retrenched by the end of April 2022. Similarly, hundreds of workers, who were employed in June 2020 to support COVID-19 patients in Government Rajaji Hospital, Madurai, have also been terminated, citing the end of contract. These workers who helped the country overcome the deadly pandemic are being fired even as the number of cases are rapidly increasing. The workers are unanimously demanding that they be taken back into the employment immediately.

## **Sanitation Workers Protests Across Country**

There are several reports of sanitation workers protests coming from across the country. In Bombay, over 600 workers staged a two-day protest outside Brihan Mumbai Municipal Corporation stating that over Rs.190 crore provident fund dues have not been deposited into the accounts of workers, despite the deductions from the wages of the workers since 2009! The workers demanded that the PF dues be remitted with immediate effect and sought for an inquiry against the BMC for having failed to remit the dues. Similarly, about 105 sanitation workers employed through sham contracts at the Indore railway coaching depot protested against the failure to remit provident dues for the past 14 months. Sanitation workers in Jammu protesting with the demand of regularization of their services before the Jammu Municipal Corporation were detained. They are slated to intensify their protests if the municipal corporation does not meet the demands. Whereas, in Udthagamandalam, sanitation workers held a strike against the Udthagamandalam Municipal Corporation as a supervisor used derogatory language on workers and was exploiting by forcing them to work extra hours. The workers have stated that they were severely underpaid and their payments delayed often by several months.

One of the workers had attempted suicide due to such harassment, which prompted the workers to hold the protest.

## Garment Workers in Cambodia Protest Fearing Company Shutdown

When the Canteran Apparel Company in Cambodia began to shift machines from the factory premises, without any prior notice to the workers and in violation of the agreement made in early April, over 300 workers in the company held a protest against this move. They feared that the company officials would evade paying the workers their final settlements of dues and compensation. The workers, who held the protest on April 19, demanded that they be given their final settlement of dues and compensation, and that they do not violate the agreement between the workers and the management. ■

# JUSTICE FOR SANITARY WORKERS

★ CLIFTON D' ROZARIO

The Madurai Bench of the Madras High Court has rendered an important judgment on 22nd April 2022 (Madurai Corporation vs. The Inspector of Labour, Madurai and Ors), confirming the order of conferment of permanent status on 390 sanitary workers of the Madurai Municipal Corporation under the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

Before getting into the judgment, it is necessary to recognise that the question of the rights of sanitation workers is finally gaining the prominence it deserves, mostly because of the heroic struggles being waged by the sanitation workers, across the country for wages, regularisation and dignity of work, on the streets and in Courts.

Sanitation, in common parlance, is the promotion of hygiene and prevention of disease by maintenance of sanitary conditions by the removal of sewage and garbage and maintenance/cleaning of sewerage systems. For this work, lakhs of workers are employed across the country and this workforce is predominantly Dalit pre-ordained as they are by the caste



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system to perform these jobs generationally and structurally oppressed and deprived of social dignity, education, proper housing and the fundamental choice of opting for other occupations. This work that secures the health of the residents of the country is caste-based and hereditably tasked to the oppressed Dalit communities, who are invariably denied proper wages, job security, social security benefits, among other things. Babasaheb Ambedkar stated that: “Caste is not just a division of labour, but it is a division of labourers.” Sanitation workers are not merely individual members of this work force out of pure choice; but members, by birth, with ineradicable identity and inter-generational continuity. They have been forced into sanitation work by the inexorable evil power of the Indian caste system.

The employment of these workers is not done through regular means and they are mostly daily-wage/guised contract workers. They are not even paid their basic minimum wages. They have no access to drinking water, toilets or urinals. As if these indignations were not sufficient, they also face casteist and classist prejudices and biases from the very people whose health they protect. Further sanitary workers suffer great indignation everyday in their work being forced to handle human faeces with their bare hands, and risk death every single time they enter manholes/sewer lines/soak pits etc. This is state-sanctioned manual scavenging and murder!

Another aspect is that these workers are primarily employed on daily-wage or guised as contract workers. In fact, this is rampant in solid waste management in urban local bodies, where we find that there is no recruitment of permanent workmen, instead workers are employed on daily-wage basis or through sham contracts as safaikaramcharis/sanitary workers with no security of tenure, low wages and no social security benefits. The Governments and the Urban Local bodies have thrown to the winds the repeated cautions of the Supreme Court that the system of contract labour is nothing but

an improved form of bonded labour and that it is nothing but a new technique of subterfuge adopted by employers in recent years in order to deny the rights of the workmen under various labour statutes.

It is in this context that one needs to appreciate the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, which mandates that every workman who is in continuous service for a period of four hundred and eighty days in a period of twenty four calendar months in an industrial establishment shall be made permanent. Similar is the Assam Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1985 conferring permanent status to workmen who have been in continuous service, whether daily wage employees, contract or casual for a period of 180 days in a period of 12 months.

In the present case, the order of the competent authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, conferring permanent status on 390 sanitary workers of the Madurai Municipal Corporation was under challenge before the Division Bench of the Madras High Court. The salient aspects of the judgment are summarized below.

1. The Madras High Court has rightly rejected the argument of the State that Urban Local Bodies such as the Madurai Municipal Corporation are not covered by the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. The Court has concluded that the function of the disposal of garbage/sanitary works carried out by the Corporation would fall within the ambit of the definition of 'manufacturing process' under Section 2(k)(i) of the Factories Act, 1948, hence automatically the Corporation would answer the description of a factory as defined under Section 2(m) of the Factories Act, 1948 and once it is concluded that the Corporation would be a factory, it would automatically answer the description of 'industrial establishment'

as defined under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

2. The High Court also makes an important point that the Act does not make a distinction between a temporary employee appointed regularly or a temporary employee appointed irregularly, since it is a beneficial legislation intended to confer permanent status on workmen who satisfy the requirements of Section 3 of the said Act, in order to avoid continuous exploitation of workmen by employers.

3. Most importantly the High Court has noted that the Municipal Solid Wastes (Management and Handling) Rules, show that every Urban Local Body is placed with the responsibility of collection and disposal of wastes, which cannot be termed as “a temporary phenomenon” and indeed is a continuing work to be carried out by the Corporation. As such the High Court rejected the contention that sanitary workers were employed purely on a temporary basis to carry out the temporary work.

4. Further the High Court also rejected the argument of the State that permanent status cannot be conferred in view of the judgment of the Supreme Court in the Uma Devi case, wherein the Supreme Court decried appointment of a person on temporary basis to regular posts in public employment. The High Court concluded that the decision of the Hon'ble Supreme Court will not put fetters on the applicability of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. In fact, the Court states that: “The manner in which they were recruited would definitely take the backseat, since the provisions of the Act 46 of 1981 which is a beneficial legislation, will have to be strictly construed and applied de hors the method of recruitment.”

The High Court finally concludes by taking judicial cognizance of the fact that the State and Central Governments call themselves as Welfare Governments, but actually engage in

unfair labour practices of employing temporary workmen even to discharge permanent work with impunity, especially in statutory corporations and the departments of the Government.

This decision of the Madras High Court brings to fore the blatant exploitation of the predominantly Dalit sanitary workers by keeping them as temporary workmen under lower salary, though they do a work of permanent character. This judgment gives impetus to the struggles of the sanitary workers against the Tamil Nadu Government to immediately undertake the exercise of identifying all so-called temporary workers towards provide them permanent status under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981.

The larger battle remains - developing a political understanding of how the caste system and the concept of untouchability has emerged alongside neoliberalism and urbanisation through various forms of sanitation work, and one of the most essential and radical steps in the struggle for justice for the workers is the struggle against caste system - the annihilation of caste.

Sanitary workers have been exploited under the daily-wage and contract systems with the threat of losing their jobs constantly hovering over their heads especially if they were to unionise or demand due wages and other conditions of service. The Modi government, through the Occupational Safety, Health and Working Conditions Code, 2020, will be granting legal status and sanction to this illegal practice of contractualization. In particular, “sanitation works, including sweeping, cleaning, dusting and collection and disposal of all kinds of waste” are excluded from the definition of core activity, as such the indiscriminate use of contract labour is granted express legal sanction. This will result in a greater social and economic exploitation of the predominantly Dalit sanitation workforce and this is a challenge that workers will have to be geared up to fight. ■

# AMAZING AND BREWTFUL: AMAZON AND STARBUCKS WORKERS ON THE RISE!

★ TAMARAI



## The Amazing Result

Amazon workers in the Staten Island fulfillment center-warehouse (JFK8) in New York (NY) state won the election to form a union on April 1, 2022, with an impressive margin. This is being hailed as a historic victory of the working class in the U.S. Christian Smalls, an African American, has been elected as the President of the newly formed Amazon Labor Union (ALU). Derrick Palmer, who is also African American and has worked in the warehouse for 6 years, will be the Vice-President. Out of the roughly 8,000 workers who were eligible to vote, 2,654 voted for the

union and 2,131 voted against having a union to represent them. More than 50% of the workers in this warehouse are immigrants. They are from Liberia, Senegal, Nigeria, Ghana and other African countries, in addition there are workers from Pakistan, Lebanon, Eastern Europe, Malaysia, Philippines and Latin America. They do backbreaking jobs in the warehouse, many working 60 hours per week, and commuting long distances as rents are unaffordable in that area of New York.

Smalls, the 33 year old lead organizer was fired from his job in the Amazon warehouse in March 2020, at the start of the COVID-19

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pandemic, after he led a walk out of the employees concerned about the poor working conditions and lack of protective measures. Amazon accused him of not following social distancing regulations, David Zapolsky, General Counsel at Amazon described Smalls at that time as "not smart or articulate", which has been interpreted by many as a racist slur.

### **Successful Grassroots Organizing**

ALU is independent and not affiliated with any of the large national unions. The victory is groundbreaking as many big unions like Teamsters, Communication Workers of America, United Food and Commercial Workers have made attempts in the past to unionize Amazon workers without success. ALU was not flush with funds and did not have political connections like many of the major unions in the U.S. Justine Medina, one of the organizers in the union and a member of the Communist Party, said in an interview with *In These Times*... "It was a very grassroots, very working-class, salt-of-the-earth, Black-led union drive. That's what scared the Amazon executives more than anything". Many organizers and workers included in their reading sessions the communist organizer William Z. Foster's *Organizing Methods* in the Steel Industry to sharpen their understanding of bottom-up organizing approach. Amazon spent more than \$4.3 million just on anti-union consultants nationwide last year, according to federal filings (*NY Times*). Smalls and his friend Palmer, the two main organizers along with other workers formed a workers committee, they raised 120,000 dollars through GoFundMe and set up tents outside the warehouse. With their friends and families they cooked West African, Caribbean and South American food for the workers, spoke to workers one on one, set up whatsapp groups and telegram chats. They also used TikTok videos to explain the benefits of having a union. The bus shelter across the warehouse was their de facto union hall, they distributed flyers and union literature there and inside the break room where the workers gathered for lunch. While Christian Smalls who

was fired from his job worked outside, Derrick Palmer worked from inside the warehouse. The ALU was supported right from the start by communist parties like Workers World Party and other left organizations and some established unions.

### **Long March Ahead**

Amazon has filed several objections to the National Labor Relations Board (NLRB) about ALU's victory at the JFK8 warehouse in Staten Island, NY. Their allegations include that the workers were intimidated by ALU to vote for the union and that the NLRB favored the ALU. This is laughable as the reality was that hundreds of anti union-messages and lectures were being imposed on the workers by consultants who were paid \$ 3200 per hour by Amazon. ALU volunteers were called thugs, union literature was removed from break rooms, workers who were campaigning for the election were written up and reprimanded. The management called the police a few times to complain about the organizing workers. A polling firm with links to the democratic party, namely, Global Strategy Group developed anti-union material for Amazon. It has now apologized and has said it will not work with Amazon going forward.

While Amazon is doing its best to undermine the union and challenging its victory, more than 100 Amazon warehouses throughout the 50 states have already reached out to the ALU for help with organizing. There is hope of replicating the victory even among workers of giant retail corporations like Walmart, Target etc. On April 25, a second Amazon warehouse LDJ5 with 1500 workers in Staten Island, NY, right across from JFK8 warehouse, will have its election to vote for or reject union representation. The ALU demands include higher minimum wage, longer paid breaks, paid sick leave, safer conditions, job security to prevent workers from being fired at will, shuttle service to workers many of whom spend more than 2 hour commuting to work. A *New York Times* investigation in 2021 found that the turnover rate for Amazon warehouse employees was 150% as they are unable to keep





up with the exhausting schedules and quotas expected from them. Internal records from Amazon revealed that the rate of injuries for Amazon workers in fulfillment centers was twice the national average of other warehouse workers.

Winning the election has been the first step for the ALU but the "real fight" of negotiating a contract as the workers are calling it may take a while but they are prepared for the long haul. Large unions like the Teamsters have pledged their support. In the meantime the working class is rejoicing this stunning victory against the \$ 1.59 trillion behemoth company.

### **Brewtiful Beginnings**

Starbucks the largest coffeehouse chain in the world has a market capitalization of nearly 95 billion dollars. After McDonalds and Subway it is the 3rd largest restaurant chain in the world. It has more than 9000 coffee shops in the U.S. In December 2021, the Starbucks workers in a coffee shop in Buffalo, NY voted for Starbucks Workers United, an independent affiliated union of Service Employees International Union (SEIU) to represent them. That was the spark that has in the last 4 months led to more than 20 coffee shops being unionized. There are currently more than 200 coffee shops in the country

filing petitions for union elections. Workers have voiced concerns about inadequate staffing, lack of support during the Corona virus pandemic and have wanted better pay and health care benefits. Starbucks has hired powerful law firms and have launched an aggressive anti-union campaign. They have fired at least 18 pro-union employees, they are bombarding their workers with anti-union texts and conducting meetings in stores. In addition they have been threatening to close the first unionized coffee shop in Buffalo, NY. However, the multimillion dollar anti-union campaign thus far has not been very successful. The largely young workers are getting support from other unions, left parties like Workers World Party, Party for Socialism and Liberation, Democratic Socialists of America are showing their solidarity.

### **Step by Step with Unions**

Gallup poll in 2021 found public approval of unions in the U.S. to be 65%. It was 80 % in the age group 18-34. According to the Federal Bureau of Labor Statistics, the percentage of workers ages 25-34 who are union members has increased from 8.8% to 9.4%. Many young people are leading the struggles in unions for justice against rapacious U.S. corporations. The first mineworkers' union in its preamble in 1864 had the following words-

*Step by step the longest march*

*Can be won, can be won*

*Many stones can form an arch*

*Singly none, singly none.....*

In 1920, Georgi Dimitrov the great revolutionary leader from Bulgaria, wrote that "... the trade union struggle should be coordinated with the general political struggle of the proletariat ...and become a component of the entire class struggle of the proletariat." In the United States, this is not so imminent but the process, anyway, is hopeful. ■

# RELEASE JULIAN ASSANGE! JOURNALISM IS NOT A CRIME!

★ V ARUN KUMAR

On April 20, a UK court sanctioned the extradition of Journalist, activist and founder of Wikileaks Julian Assange to the United States. He is facing espionage charges in the US for exposing the war crimes committed by American troops in Iraq and Afghanistan. Assange faces a possible jail term upto 175 years if extradited to the US.

WikiLeaks played a vital role in exposing the acts of war crimes, crimes against humanity and corruptions committed by various state actors. Between 2006 and 2009, WikiLeaks published a series of important documents that contained revelations such as the membership list of the fascist British National Party (2008), the Petrogate oil scandal in Peru (2009), and a report on the US-Israeli cyber-attack on Iranian nuclear energy facilities (2009). One of the biggest contributions of Wikileaks had been to publish large numbers of classified documents and videos pertaining to the US invasion of Iraq and Afghanistan, known as the Iraq War Logs and the Afghan War Diaries.

In 2010, Wikileaks published a large tranche of documents and videos sent by the Chelsea Manning, a US Army intelligence analyst who downloaded hundreds of documents from the US government servers. The document also contained a chilling 39 minutes of gunsight footage of the 2007 US airstrike in Baghdad. The video, titled Collateral Murder, showed the airmen opening fire at civilians from their gunship and, then laughing at some of the casualties. This claimed lives of more than 12 people, including two Reuters journalists.

Manning was arrested in 2010 and convicted for various charges including espionage. She was later released in 2017. Assange spent 9 years inside the Ecuadorian Embassy in the UK as an asylum seeker, but was arrested in 2019. Though



an earlier attempt by the US for his extradition was rejected by a UK district court stating that doing so would be "oppressive" given concerns over Assange's mental health and risk of suicide. Later in 2021, the High Court in London ruled that Assange could be extradited to the US to face the charges and in March 2022 the UK Supreme Court refused Assange permission to appeal.

Wikileaks also has an extensive cache of classified diplomatic cables that exposes the crimes committed by Indian forces in Kashmir and also increasing intervention by the US in the internal affairs and policy circles of India.

With its work WikiLeaks has established its enduring place in history by exploding the myth that imperialist wars were being fought for democracy. WikiLeaks and Assange paved the way for strengthening the field of investigative journalism, and building an international opinion against wrongdoings done by state actors.

The witch-hunting of Assange by the US is because he and Wikileaks exposed the imperialist crimes. It is important to stand with Assange who had put everything on stake - his life and freedom - so that the grim truth about an unjust war could be told. ■

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## REPORTS

## VICTORY FOR AISA AND STUDENT COMMUNITY! STIPEND FOR LAB-BASED TRAINEE STUDENTS RESTORED!

★ NIHARIKA PRADAUSH

The student community of Trivandrum Medical College gained a significant victory under the leadership of All India Students' Association (AISA) over the grave systemic injustice of the college towards its laboratory-based trainee students. At the peak of the pandemic period, the college withdrew the stipend facility of trainee students and exploited their free labour coupled with poor and discriminatory working conditions. After months of sustained pressure from students under AISA leadership, the stipend and lab facilities has been restored for the Trivandrum District Medical College Lab Technician (DMLT) trainee students. Along with stipends, demands addressing gender-based needs were also placed before the management. Finally, the college conceded to the demands via a notification very recently. A stipend of Rs 6000 per month will be paid from April 2022 onwards for the next six months. Alongside, providing lab facilities as per requirements of the course, adequate restroom facilities, prior information on duty timings and schedules will also be ensured. It is expected that the succeeding batches will also be extended the same facilities thanks to the students struggle led by AISA.

### Background of the Struggle

Trivandrum Medical College Lab Tech Trainee students have been facing an acute financial and educational crisis due to the abrupt denial of stipendiary contracts that was available to the previous batches. 14 students, all women, were not even provided proper restroom facilities. They had to put in the same number of working hours as that of any nursing student along with back-to-back night duties. Lab technician students were compelled to do ward duties, posted in casualty and denied requisite lab facilities for the six-month course. On top of

this, the authorities refused to attend to their just and legitimate grievances.

AISA activists of Kerala visited the students several times from November 2021. Along with the students, they made direct appeals and issued written petitions to the authorities, including HDS Superintendent regarding the issues of students. With the on-ground support from Trivandrum District Leading Team of CPI (ML) Liberation, active support by trade union leaders like Com. Athmanandan and also with the full solidarity by AISA team from far away districts, the struggle could finally secure victory.

### Demands and Concerns

Restoring stipend system, proper lab facilities, restrooms and appropriate working hours were the demands. The demand that the stipend be given with effect from the date of the initial contract has not been entertained. Instead, the stipend has been approved from the date of signing the new contract with prospective effect. Other demands regarding lab facilities, restrooms, and proper schedules have been met. Another matter of concern is that five of the 14 students who have failed in their written exams are denied of any stipend. Given the inadequate facilities and financial constraints faced by the students, the concerned authorities should do the needful to redress their problems. They must help in enabling the students to clear the exams at the earliest. The students shall be issued stipend with retrospective effect for the free work already done by this batch for the past six months. Unfortunately, they are not included in the new contract as they could not clear their exams.

The right to wages for trainees should also be treated as a fundamental right and shall not be

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denied for whatever reason. Denial of minimum wages for any category of worker is nothing but a forced labour, according to the Supreme Court. But, the Kerala government and the Medical College has used Trainee students who are semi-skilled personnel as forced labour by denying even the meagre stipends, leave alone minimum wages, in the period of Corona. The College authorities not only utilised the free (forced) labour but also extended the training to upskill which is completely unfair and against principles of natural justice by all standards. Denying the right to wages by withholding a stipend is a complete violation of all applicable labour laws and also a violation of human rights rights. Treating Trainees as voluntary service providers and not compensating their labor is completely illegal and nothing but an adoption of forced labour. The left led Kerala government should take cognizance of this violation and compensate the students for their labour of six months in the period of Corona. Trainees shall also be given minimum wages or at least, the stipend equivalent to minimum wages. Rs 6000 as stipend is nothing but a pittance and a mockery of valuable medical service offered by these trainees for the larger welfare of the society and the state. In fact, their services should be honoured by the medical authorities and the state government, that too in the trying circumstances of the period of Corona.

This issue displayed in Trivandrum Medical College throws light on the larger injustices being meted out to medical apprentices and trainees in the state. On 21 March 2022, the Governing Council of Kerala University of Health Sciences (KUHS) had recommended the decision of the Academic Council (dated 15 December 2015) that instructed all the affiliated self-financing and dental colleges to strictly comply with its directive "to grant stipends to interns of UG and PG courses at par with the interns of government colleges." The Kerala High Court, in 2015, had upheld the order of Medical Council of India directing private medical colleges to pay stipends to PG medical students on par with government medical colleges. About 150 PG dental students approached the Kerala High

Court in 2018 challenging the non-payment and disparity in stipend disbursal by self-financing medical colleges. The private college managements in the state are unwilling to abide by the recent KUHS directive too, as it would reduce the quantum of loot they amass from students' labour. Students who do not want to be left out of medical education are often forced to join the self-financing colleges and end up facing multiple problems. Anil Kumar Valli, a functionary of the Kerala Private College Management Association, is reported to have said that the tuition fee paid by self-financing students were fixed on the basis of the expenditure incurred by the institution. As the payment of stipend is not taken into consideration while calculating the fee, the tuition fee will have to be revised if stipends were to be paid on par with government medical college. They are not ashamed to accept their criminal negligence of ignoring the labour of students.

AISA stands its ground for affordable and universal education, and against the notion of burdening students with the financial needs of the educational establishments. The authorities at the TMC informed students that they were on a non-stipendiary contract due to lack of funds and Covid crisis. This is only a pretext to earn profit by denying stipends amidst a public health crisis. Even if there was a real financial crisis, students labour shall not be used as a bonded labour and the burden should never be shifted onto the shoulders of students. In 2020, similar arguments were invoked over the irregular payment of salaries for doctors, paramedics, and other staff members of Palakkad Government Medical College as the government did not release adequate funds.

AISA will continue its struggle for students' rights and for the rights of trainees and apprentices who face exploitation in contractual appointments. The movement against institutionalized servitude and colonial education will continue in full vigour to achieve a pro-people, scientific and all-inclusive education system. ■

# A SUMMARY OF COMMENTS ON ASSAM STATE RULES ON LABOUR CODES

★ BIBEK DAS

*[Submitted by AICCTU, Other Central Trade Unions and Civil Rights Organisations on the Assam State Rules on Labour Codes]*

When the entire country was reeling under the disastrous impact of the first phase of lockdown in 2020, when millions of workers all across the country were forced to walk back thousands of kilometres and rendered jobless within moments of announcement of the lockdown, had not yet returned to their places of work. The Modi government was only busy enacting labour codes and in selling off national wealth from September 2020. The four labour codes that replace forty four labour laws, have been brought with the stated purpose of simplifying laws and encouraging the 'ease of doing business'. But, in effect, these labour codes are designed to destroy all important rights of the working class that were earned through years of struggles and countless sacrifices. Just like the farm laws against the farmers, these codes have also been legislated only to favour the corporates and to establish a rule of the companies - a company raj. A detailed analysis of the disastrous impact of the four labour codes- the Code on Wages, Industrial Relations Code, Social Security Code and Occupational Safety, Health and Working Conditions Code - have been published in earlier editions of Workers Resistance (also available in our website, 'aicctu.org').

In this article, we summarise the response of AICCTU, other central trade unions and civil rights organisations to Assam State Rules on Labour Codes formulated by the Government of Assam.

To begin with, the state rules formulated by the Assam Government were not even made available in Assamese language, thus making it inaccessible to the common workers. These rules were not even widely circulated to ensure

proper feedback from workers. In effect, the entire claim of seeking feedback from workers appears to be a sham. We have also demanded from the labour department of Assam that the Assam government should enact its own state specific law keeping in view the specific nature of Assam's working class as the labour matters falls under the concurrent list.

On behalf of Joint Action Committee for Tea Worker's Wage, All Adivasi Students Association of Assam, Assam Sangram Chah Sramik Sangha, All Adivasi Women Association of Assam, Akhil Bhartia Chah Mazdoor Sangha, Assam Mazdoor Union, the following response is formulated and submitted on Assam Draft Rules on Social Security Code -

1. Failure to Universalise Social Security for Informal Workers:

Following the Labour Code acts passed by the central government, the Assam state government too uses exclusionary threshold of number of workers working in an establishment for applicability under the social security code. By this criteria, majority of formal and informal workers, covered hitherto, will be excluded from the applicability under the SS Code. It is demanded from Assam government to do away with the exclusionary criterion and include every worker who is currently working.

2. Burden of Contribution on Worker- The Assam Draft Rules on Social Security code indicates that the informal workers need to contribute to Social Security fund for availing any scheme. Given the present situation of job market and retrenchments, it will become really difficult for any worker to to pay out of their pockets for social security schemes. And what is social security if it does not guarantee rights when a worker is caught in the most



unsecure situation? Thus, it is demanded that the government and the employer should take primary responsibility for ensuring social security to workers and the burden should not be shifted on the workers.

3. Exemption for Employers from Contribution-The Draft rules provide for exemption from contribution for employers, but it does not specify the criterion for such exemption. Thus, the draft rules have clearly opened up opportunities for the employers to evade their responsibility of contributing towards the social security of workers.

4. Evading Worker's Representation in Social Security Board: By avoiding to clearly mention the procedure of representation of workers and trade unions as well as their rights in the social security boards, the present rules have deliberately created avenues to deny representation of workers in the board and thus deny a role for workers and the trade unions in the decision making process that would have consequences on the rights and lives of workers.

5. No Guarantee of Right to Privacy of Workers: While the Draft Rules do not guarantee right to social security for all informal workers, it provides for centralised collection of data of all workers. The personal information of the workers can be shared with the state by the employer and the aggregator. In the absence of a data protection act in place in Assam, the centralised collection of data of informal workers will only lead to breach of their privacy which can be misused at any point of time by those in power.

6. Absence of Helpline and Workers' Facilitation Centre: Facilitation Centres and toll-free helplines to ensure access of informal workers to social security schemes have not been provided for in the Draft Rules, even though these were mentioned in the Code on Social Security, 2020. The draft rules must create provisions for facilitation centres, starting from district to tehsil level.

7. Missed Opportunity to Expand the Meaning

of Social Security via State Legislation: The Labour Code on Social Security 2020 advocates all nine indicators/measures of social security formulated by the ILO convention 102. It also talks about formulating a tailor based social security through a subsidiary legislation. But the Draft Rules formulated by Assam is completely silent on the provision of formulating a subsidiary legislation. It appears that the government of Assam is more interested in copy pasting the central code rather than being concerned about the rights of workers of the state.

### **On Draft State Rules on Industrial Relations Code**

1. Replace 'He' with They/Them: The entire draft rules use a male chauvinistic language that makes only males as the workforce and the employer. It is demanded to change the language and make it gender neutral.

2. Remove Authority of the Employer to Seek Details of Trade Union Membership while Forming Works Committee: Forming works committee is a duty of the employer to address grievances of workers. Seeking details of distribution of membership of Trade Unions should not be under the purview of the employer. Registered trade unions submit such details annually to the registrar. Such details can be sought from the office of the registrar. Repeating that process would mean creating unnecessary hassles in the process of forming Works Committee.

3. Undo the Unequal Power Balance that Favours the Employer in the Constitution of the Works Committee: The rules have been formulated in such a way that representative of the employer will hold the post of Chairperson and the Secretary while the representatives of the employee will hold the position of Vice-Chairperson and Joint Secretary. If the Works Committee is to be transformed into any genuine grievance redressal mechanism, then, this unequal power balance shall be done away with. All the four positions mentioned above should be made rotational among all stakeholders and the representatives of the employers, at no point,

should enjoy the status of the Chairperson and the Secretary simultaneously.

We have also demanded that all the four positions be elected from among members of the works committee and by the members of the works committee alone, rather than the employer choosing or appointing the Chairperson and the Secretary. Let the spirit of participation and equal power share be reflected in the functioning and constitution of Works Committee.

4. Ensure Equal Representation of Women in Works Committee: Representation of women proportionate to the number of women workers in the industrial establishment must be made mandatory in the constitution of the works committee.

5. Engage Instead of Co-Opt External Specialists: The present rules state that persons with special knowledge in the field can be co-opted in the committee for any specific matter in a consultative capacity. Rather, the word 'co-opt' should be replaced by 'engage' if their status is only of consultative capacity and they should have no role in decision making.

6. The Secretary of the Works Committee MUST Put Up Notice Regarding Work of the Works Committee- The Present Rules make it optional, not mandatory for the secretary to put up notice regarding work of the works committee. For the sake of transparency and accountability, it should be a mandatory responsibility of the secretary to put up notice on the functioning of the works committee.

7. Remove Authority of the Employer to Seek Details of Trade Union Membership while Forming Grievance Redressal Committee: The reason for this proposal is the same as mentioned in our response for the formation of works committee (point number 2 in response to industrial relation rules in this article)

8. Subscription Fee of Trade Unions Should Be Left to the Concerned Trade Union: The rules mention minimum hundred rupees per annum subscription fee for rural and unorganised

workers and three hundred rupees per annum for urban and organised workers. Firstly, this is the minimum subscription fee mentioned in the rules. This leaves an immense scope of over-charging by trade unions closer to the establishment. Secondly, subscription fee should be a matter of consensus between workers and the trade union.

9. In Case of insufficient membership of trade union, the verification of the union should be undertaken by someone who is well acquainted with labour laws, for example, a labour officer appointed by the labour department and not by the municipality or zila parishad officials.

10. The Registrar should provide acknowledgment of receipt of application for registration of any trade union.

11. Ensure Timely Redressal of Registration of Trade Unions: Any application for registration of a trade union shall be processed and finalized within three months of receipt of the application. If any correction is needed in the application, the same should be informed within 30 days of the submission of application and with an additional time of 30 days for correction of any mistake.

12. Remove the Criterion for Cancellation of Registration Based on Proportion of Membership: The rules mention that the registrar will have the power to cancel registration of any trade union if the total membership is less than 10% of all workers or less than 100, whichever is lower. Even those unions which do not fulfill the criteria for representation shall also be offered representation in conciliation and negotiation mechanism as their participation too is needed.

13. Regarding Negotiation: The rules state that the negotiating union or the negotiating council shall be entitled to negotiate with the employer or employers with respect to all matters pertaining to the Third Schedule to the Industrial Relations Code with the exception of point 10 related to rationalisation, standardisation or improvement of plant or technique. But, as the exemption is likely to lead to retrenchment of workers, a wide consultation with all workers

regardless of their union affiliation must be conducted. We have demanded that the negotiating unions/councils as representatives of workers should be empowered to negotiate on the number of working days in a week, as well as on the number of feeding intervals for women workers with children.



As the phrase ‘circumstances over which the employer has no control’ has not been defined anywhere in the Code or the Rules. The determination of such circumstances has been left to the discretion of the employer. Such unrestricted discretion in the hands of employers is against the interests of the workers and therefore shall be omitted in the application of R. 18 of the Assam Industrial Relations Rules, 2021.

14. Regarding Verification of Membership of Trade Unions: We have said that a minimum of 3 months notice period is necessary so that workers are able to file their objections and concerns with the trade unions, and both workers and trade unions are able to resolve any membership related disputes or discrepancies in the said period. We have also demanded that the notification for the verification should be put up in local language.

15. Regarding Who Will Negotiate on Behalf of the Union: We have demanded that the provision of intimating the employer about name of the negotiator should be done away with. Any such intimation may lead to intimidation of the worker, participation hesitancy, and fear of retributions among workers/members.

16. We have demanded that any worker or member participating in discussions held by

the negotiating Union/ Council shall be deemed to be on duty as on that day by the employer.

17. Remove Provision of Informing the Employer about Name of Union Member Who Will be Collecting Sums from the Workers - We have demanded removal of the provision because it is a matter of the internal functioning of the trade union as to who is responsible for collecting sums on behalf of the union. We have also demanded that the provision that restricts involvement of more than five workers at the place of collection of sums be removed in its entirety.

18. Regarding General Funds of the Trade Unions, we have demanded that expenses on printing, travelling allowance, meetings and propaganda and miscellaneous be included.

Because of very short period of time given for responses to be submitted, we have not been able to give a full response on all clauses of Industrial Relations rules. Our demand to recall and renotify the rules, publish them in Assamese and widely circulate them to avail response from workers and Trade Unions still stand. These rules are going to determine the rights of workers of Assam in the coming days and forcing them without any consultation will be a breach of rights, even from the very beginning of implementation of the rules. ■



# SAVE THE PUBLIC SECTOR, THE PEOPLE AND THE COUNTRY

★ NIRMAL GHOSH

A Convention was held on 14 March 2022 at the Krishna Nagar Municipality Hall in support of the two days strike against the Modi Government's anti-labour policies, against selling off of public property, and wholesale privatisation of public sector Banks, Railways, Defence and Insurance companies. Apart from AICCTU West Bengal, the Government Employees' Union, All Bengal Sales Representatives' Union, Bengal Provincial Bank Employees' Association (Nadia District), APDR, Agricultural Labour Union Nadia and a newly floated social organisation called 'Save Public Sector Forum' jointly organised the convention. While a presidium consisting of representatives from each of these organisations conducted the convention, a concrete resolution was placed for discussion and decision. All speakers elaborated on the impact of neo-liberal policies in various sectors. It was pointed out that various governments since 1991 have pursued these disastrous policies but the current Modi regime has declared a veritable war on the working class and the people, by introducing pro-corporate labour codes in place of labour laws and by eliminating hard-earned rights.



Comrade Rabi Sen, president, IREF, described how Modi, the Finance Minister Nirmala Sitaraman and the Home Minister Amit Shah are now planning to sell Indian Railways through their dream project of 'National Monetisation Pipeline'. Comrade Debojyoti Majumdar addressed the Convention on behalf of the Bank Officers' Organisation. Comrade Jiban Kabiraj spoke on behalf of AICCTU, and stressed the need for a united struggle. He referred to the example of a year-long united and sustained peasant movement at Delhi's borders. Leaders from AIUTUC and UTUC expressed their solidarity and assured their participation in the joint movement. Comrade Sujit Ghosh took part in the deliberations on behalf of the Save Public Sector Forum. He said that the Public Sector in

our country was built with a particular intention of bringing socialism and this remained only an article of faith, but, the Modi Government is trying to dismantle our constitution itself. The need of the hour is to ensure the 'Save Public Sector' not just as slogan but as a social movement. The convention unanimously adopted a resolution to ensure the total success of the All-India strike called on 28-29 March. The convention ended with a clarion call: 'Save the Country, Save the People, Save the Public Sector, The Nation's Properties and Protect Hard-earned Rights, Down the Labour Code'. The Convention decided to conduct rallies and street corner meetings to create awareness among the people on demands of the all India strike. ■

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# SAVE COVID WARRIORS

## AICCTU Delhi Leads Struggle against Retrenchment of Contractual Medical Workers in Hospitals Across Delhi

★ SUCHETA DE

Delhi has been the epicentre of successive Corona waves that devastated the nation since 2020. From number of infections to number of deaths, the National Capital Region has been second to only Maharashtra in the last two years. When the deadly second wave appeared in April-May, 2021, patients from almost every alternate household from every locality of the city were rushing in search of hospital beds.

It was the doctors, nurses and medical workers in Delhi hospitals who risked their own lives to save thousands of people during the Covid peak. It was these health workers who had to overstretch themselves to compensate for the massive shortage of health infrastructure in a situation of Pandemic. The Modi government that has systematically reduced health budget and given away public health infrastructure to private hands did what it does best - empty political rhetoric. Rather than ensuring proper working conditions for the health workers, it arranged for showering flower petals on health workers.

As soon as the Pandemic appeared to have subsided in March this year, the same central government started preparing for retrenching the contractual medical workers who were, one year back, promised preference for regularization, if they provide their services for 100 days during the pandemic. According to our estimate around 400 workers have been terminated in Lady Harding Medical College (LHMC), around 500 workers have been



terminated in Ram Manohar Lohia (RML) and around 100 workers have been terminated in Rajkumari Amrit Kaur College of Nursing (RAKCON). The retrenched workers include both medical staff who provide crucial services in ICUs and OTs as well as sanitation workers who work as contractual workers.

The medical workers in several Delhi hospitals unionised under AICCTU have been resisting the retrenchments since day one. Workers in LHMC, RML and RAKCON have been protesting against these retrenchments. The sit-in Dharna at LHMC continues since the first of April and the workers are relentless in their struggle for almost a month now.

AICCTU demands that the Modi led BJP government should stop the empty rhetoric and take back the Covid Warriors to work with continuity of services, back wages and associated benefits. ■

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# NO TO GPS BANDS FOR SANITATION WORKERS IN RANCHI

*(A memorandum submitted by AICCTU to the Ranchi Municipal Corporation)*

On behalf of All India Central Council of Trade Unions, we demand that the Ranchi Municipal Corporation immediately withdraw its plan to compel sanitation workers to wear GPS bands. The proposal of the Municipal Corporation was reported in the newspaper “Prabhat Khabar” dated 29.04.2022.

This move of the Municipal Corporation is in blatant violation of the rights of workers and are nothing but modern chains of slavery. It is degrading and an assault on the workers' dignity and blatantly casteist, especially since sanitation workers are from mostly Dalit, Adivasi and other oppressed sections of society. Do note that reports reveal that in few towns and cities where GPS tracking of sanitation workers has been attempted, workers have complained that it has caused them grave physical and mental health problems.

Of course, this imposition is only on sanitation workers, which betrays the casteist and classist intentions behind the same. RMC intends to create an illegal and obnoxious level of hierarchy where higher officials, sitting in their AC offices, can function in the most unaccountable manner, and yet demand the right to monitor the every movement of workers below them.

This amounts to chilling surveillance slavery of sanitation workers in forcing them to wear GPS bands with no regard to ethics or their right to privacy. This intrusive surveillance systems is being implemented unilaterally and with no legal or scientific basis.

The sanitation workers suffer from wage and job insecurity, irregular salaries, lack of

safety wear and decent working conditions. We demand that the RMC ensure that all these fundamental issues are dealt with immediately. RMC continues with the contract system, which is illegal and hence we demand that the contract system is abolished and the workers are brought on the direct rolls of the RMC. Instead of addressing these basic issues, RMC seeks to introduce this casteist and classist policy of GPS bands.

Furthermore, Ranchi is reeling under a heatwave and the safaikarmacharis are being forced to work in the searing heat without any steps from the RMC to address the adverse impact of working in such heat. The National Disaster Management Authority (NDMA) has mandated the steps to be taken to “minimise the impact during the heat wave and to prevent serious ailment or death because of heat stroke”, including:

- Avoid going out in the sun, especially between 12.00 noon and 3.00 p.m.
- Drink sufficient water and as often as possible, even if not thirsty
- Wear lightweight, light-coloured, loose, and porous cotton clothes. Use protective goggles, umbrella/hat, shoes or chappals while going out in sun.
- Avoid strenuous activities when the outside temperature is high. Avoid working outside between 12 noon and 3 p.m.
- Use ORS, homemade drinks like lassi, torani (rice water), lemon water, buttermilk, etc. which helps to re-hydrate the body.

We additionally demand that the RMC immediately limit the working day to 12.00 noon and provide the abovementioned facilities including light-coloured uniforms, protective gear, ORS, etc. free of cost to sanitation workers. ■



# THE TRAVESTY OF JUSTICE

## THE DEATH OF A BIHARI MIGRANT WORKER AT ERODE

### A Report of the Fact Finding Team (FFT) by AICCTU & AILAJ

A migrant worker from Bihar working in SKM Food Oil Mill, situated at Erode of Tamil Nadu, was killed in an industrial accident. 40 workers imprisoned in connection with violent protests.

#### Summary of the incident:

A migrant worker, named Kamoth Ram, from Bihar was hit by a coconut cobra loaded transport truck and he died on the spot inside the SKM oil refinery company premises located at Modakuruchi of Erode on 6th April 2022 around 9 PM.

All migrant workers working inside the campus assembled on the spot and did not allow authorities to remove the deceased worker's body seeking justice and assurance regarding the amount of compensation.

Instead of considering the genuine demands of the workers, the management and the police resorted to lathi charge and took away the body forcefully by an ambulance. In the melee, both sides sustained injuries. Six policemen were said to be admitted in the hospital.

A complaint was filed, in this connection, by Mrs Deepa, the Inspector of police and an FIR (79/2022) was registered. Around 40 workers were taken into judicial custody and remanded at Coimbatore Central prison.

The Fact Finding Team was led by Balasubramanian (AICCTU) that comprised Venkatesan, Namakkal, Rajasekar, Karur, Muthu, Social Enlightenment Movement, Advocate Bharathi Mohan, AILAJ, Comrade Balu, RYF, Tirupur. The FFT enquired the incident and the related happenings by speaking to all stakeholders in detail and the information

collected are summarised below:

#### Information collected in conversation with the workers.

The objective of FFT was not only to collect information from workers, employer and police but also to ascertain the genuineness of the news items published in various periodicals.

Following are the summary of details collected from three workers who were present at the protest site (Verified from other sources as well):

Deceased Kamoth Ram arrived at the refinery factory premises at 9 p.m. on 6.4 .2022. He walked along the right side of the road to reach his workspot. In the meantime, Quilon transport truck loaded with coconut copra, after weighing at a weigh bridge, instead of running on the left side of the road, went to the right side and hit Kamoth Ram. He, in turn, fell down, caught under the back wheels of the lorry and got killed instantly.

On hearing the news, all migrant workers in the factory assembled at the spot of occurrence. The Supervisor In-charge informed of the incident to the Modakuruchi police. Inspector Deepa along with 7 police persons arrived to take the body of the deceased by the ambulance owned by the company. But, workers did not allow to take the body demanding justice and also compensation. Their immediate demand was a written assurance for a compensation of Rs15 lakh from the company. The management first promised 5 lacs and after repeated insistence by workers, they raised it to 7 lakhs. But, both the police and the management were not ready to give any written assurance as demanded by workers.

Since workers were not relenting, special armed Police force was called and more than



20 policemen arrived at the spot. This shows their intention to remove the body of the victim somehow.

By midnight, around 12 AM, the police force resorted to lathi charge on workers. In the chaos around lathi charge, some of the window panes of the company security room got broken, 7 policemen also suffered bleeding injuries while several workers sustained internal injuries. The police reports that the workers retaliated.

When we had a chance to meet two workers, one of them was still with a wound near his eye due to police high-handedness. During the mayhem, the deceased body was taken for post-mortem.

After the dispersal of the police deployment, workers felt a sigh of relief and went to their labour camps around 12:45 AM.

In the wee hours of the next day, when workers fell asleep, around 200 armed policemen entered the camp and indiscriminately assaulted the workers with lathis. Then as per the name list prepared by them, they took more than 100 workers into custody. All of them were kept in a marriage hall owned by the SKM company for a few days. They were all assaulted ruthlessly.

On 7.4.2022, the next day evening, 40 workers, out of hundred detained, were identified, produced before the Judicial Magistrate 3 and were taken into judicial custody. While 38 of them were remanded in the Central prison at Coimbatore, two juveniles were produced at borstal school.

### **Information gathered while talking to HR manager of SKM Company.**

When our team wanted to visit the labour camp, we were told by the security personnel to meet the HR manager. We met the HR manager and his answers to our questions are given below:

Total strength of the workmen in the factory is more than 5500 out of which 900 - 1000 are Bihari migrant workers.

The diseased Komadram joined the company by November last year. He met with an accident on 6.4.2022 at 8.50 pm. After workers protested demanding immediate relief, the shift supervisor assured of compensation on the spot of the occurrence of the accident. Unsatisfied with the assurance by the supervisor, workers continued their protest by not allowing to remove the victim's body.

Even after discussions with the ADSP Mr Goyal, even after explanation in Hindi, they continued their protest disbelieving the oral assurance. When we questioned about the discrimination between local and migrant workers in terms of providing tokens worth Rs 50 for refreshments when they worked for 12 hours, the HR said that migrant workers did not like to take tea and they prefer only pan masala and Gutka.

When answering to the question regarding compensation to the deceased family, HR manager said that the company will provide a compensation (legal entitlements) of Rs.8,94,182 which includes wage arrears and dues of PF, EDLI, ESI after verifying legal documents of his wife on her arrival. (In case of the victim's family going for litigation, a settlement of Rs 20 lakhs was possible.

When queried about some past incidents of denial of compensation in such cases at the intervention of agents, he denied and said that the company has not engaged any middlemen or agents.

### **Agents in the veil of workers**

When the team asked for permission to meet migrant workers, the HR manager denied initially and then, accepted later, on our insistent request. One worker introduced to us is Bupendra, aged 36, from Bihar. He is an agent in the veil of a worker. He identified himself as leader. When we raised further queries about his leadership role, he revealed that he is working as a loadman for three years and also supplied 30-50 labourers who are engaged by the SKM group companies. He claimed to have a vast experience of working in various industries

of Tamilnadu for the last 20 years.

Then, when asked about the incident that led to the killing of the migrant labour, he claimed to have been part of the negotiating team. After company's oral assurance, a group of workers including himself were willing to allow the body to be taken for post-mortem while another group of workers were not willing. In such a situation, he said, the police resorted to Lathi charge to disperse the crowd of workers and to remove the body which led to clashes. In his opinion, it is not the mistake of the police or the management. He also said that more than 200 workers returned to their native after the incident.

In the course of interviewing Bhupendra, the team found that the refinery supervisor and another official staff kept on intervening in the name of assisting him. After initially refusing permission for the FFT to visit the accident spot, advocate Bharathi Mohan was allowed later which helped him to take photographs.

### **General information collected from workers**

Workers get a daily wage of Rs.480 per day for 8 hours and Rs.720 per day for 12 hours.

As for as the SKM refinery is concerned, all migrant workers are engaged as helpers in jobs such as loading and unloading, handling of chemicals such as Phosphorus, citric acid, caustic soda etc. Local workers are given a coupon worth Rs.50 for 12 hours work while the same is denied for migrant workers. There is no provision of subsidized food in the canteen. One meal costs Rs.65.

The contract employees' wages are to be disbursed in the presence of the principal employer's representative, as per the payment of wages act. This is not being followed. Instead, wages are paid to workers through their agents. Because of this arrangement, the agent pays after deducting Rs 500 from each worker. This is an illegal practice being resorted to by the management. Workers are not provided with any payslip or ESI cards and the same are

retained by the agents themselves to exercise their control over workers.

### **Information gathered from imprisoned workers at Coimbatore Central prison**

We were able to meet five workers out of 38 remanded in the prison. No one is able to recollect mobile numbers of their family members or friends.

When policeman entered their camps on the next day of the accident at about 4 o'clock in the morning, not only that the workers were beaten up and tortured, but also their belongings including mobile phones and cash worth Rs.3 lakhs were taken away by the police. The workers in prison were told that the SKM management would take them out in bail in 5 days and all the arrested would be released. The workers are still languishing in jail with a hope that the management will take them out on bail.

The team also met the Joint Director of Industrial Safety and Health at Erode and gathered informations.

When we raised a question whether any enquiry was conducted about the accident, the Joint Director replied that a prima facie enquiry was over and company would be served a notice, to be replied within 90 days, as to how the accident took place.

When we raised the issue of the arrest of two juvenile workers with regard to the incident and asked about the action taken, he said that action will definitely be taken if it is proved in the enquiry.

### **Demands of the FFT to the Employer**

- Ensure minimum wages to its employees.
- Ensure equal pay for equal work
- Deposit monthly remuneration to the workers' account directly.
- Strictly enforce Migrant Labour (Regulation of Employment and Conditions of Service) Act.



- Neat upkeep of workers' residential areas. Provide restrooms and other facilities as per the Factory Act 1948.

- Provide food and tea through canteen at subsidized rates as per the Factory Act.

- Provide ESI cards to the concerned workers.

- Prohibit movement of heavy vehicles during opening and closing hours of shifts or provide alternate route.

- Those workmen who left the job and who completed 5 years of service shall be given gratuity.

- Compensate the price rise with an yearly increment in addition to Dearness Allowance.

- Recruit workers directly and not through intermediaries/ agents.

Recommendations to the labour department of Government of Tamilnadu

- Ensure distribution of PPEs to all workers.

- Labour department officials should regularly meet workers to remedy their grievances.

- Initiate criminal prosecution against the employer for not complying with labour laws.

- An officer from the Directorate of Industrial Safety and Health may be appointed for monitoring safety arrangements.

For the consideration of state government

- A considerable proportion of migrant labour are involved in the manufacturing and services sectors of Tamilnadu. It is estimated that 15 lakh migrant labourers are working in the state. On

various occasions, the industrialists in the state assert that their labour is an essential part of their business.

- The management of SKM and policemen of Modakurichi station (for their lack of skill in handling the situation) are eventually responsible for the untoward incident that took place at SKM factory premises. It is unjust to blame workers alone. Detention of workers under various sections of IPC including 307 is unjustified. Tamil Nadu government should withdraw the cases on migrant workers and initiate action for their immediate release.

- Instead of pacifying the agitated workers upon their colleague's death, the Modakurichi police acted at the instigation of the management and resorted to lathi charge which is against the law. It shows their inability in handling such a situation in a responsible way. The State government should take departmental action against such policemen. They should, at least, be transferred.

- The Occupier of the SKM factory should be given a stringent punishment for violations.

- It is the responsibility of Inspector of factories to inspect and initiate action for non-compliance of labour laws.

- Certain outfits with their narrow outlook view the incident as the problem created by Hindi workers and called for deporting them. The Government should suitably handle such outfits and take action for indulging in hate politics.

- Provide compensation of Rs.50 lakh to the deceased migrant labourer's family.

- Order a judicial enquiry by a sitting Judge of the High Court regarding the death of the migrant labourer and the subsequent happenings inside the SKM factory and publicise the report.

- Ensure workplace safety of all workers including migrant labourers in the state. ■

# AICCTU ANDHRA PRADESH HOLDS STATE LEVEL CADRE WORKSHOP

★ UDAY KIRAN

A state level cadre workshop of AICCTU Andhra Pradesh was conducted in Tirupathi, Chittoor District on 9th and 10th of April. The cadre workshop was organised with the purpose of discussing present challenges in organising working class movement and for conducting educational class on basic marxist concepts on labour exploitation. AICCTU leaders and activists from both Andhra Pradesh and Telengana participated in the cadre convention. Leading comrades and workers from various sectors like construction, auto rickshaw, anganwadi, mid day meal, sanitation, cashew cultivation, street vending and hamali work participated in the convention.

Com V Shankar, All India President of AICCTU attended the workshop. Com. Murthy, State secretary of AP CPIML and Com. Bangar Rao Central Committee Member of CPIML also attended the convention as teachers.

## Day1: 9th April

### Inaugural session:

The workshop started with paying tributes to the martyrs of revolutionary movement followed by revolutionary songs sung by Com Sahadev, Com Rajesh and others. The inaugural session was addressed by Com. Shankar. He spoke elaborately about the four labour codes introduced by the Modi government with the intention of killing all existing rights of the working class. He also spoke about the dangers of the recent spates of monetisation policies implemented by the central government and how these policies are meant for selling out the country's valuable resources to private hands at the cost of rights and opportunities of dignified employment for the Indian working class. Comrade Shankar

mentioned that those who are ruling India today are dispossessing people from their rights on the one hand and on the other is creating hatred and division within people by flaring up communalism.

### Group Discussion on Practical Issues in Organizing Working Class Movement:

A session on practical issues faced by the union in organizing workers was held in the format of group discussions. All the comrades who attended were divided into smaller groups and were given different subjects like challenges faced by trade union movement, sector level issues, organization building, tasks of leading comrades etc to discuss. After extensive discussions for one hour, each group presented the key points discussed within the group. The exercise helped each group to take some inputs from every other group through lively and interactive discussion. Each session was followed by Question and Answer sub-session. The entire procedure was conducted by Comrade V Shankar and other AICCTU leaders.

### Session on Basics of Political Economy:

Comrade Uday Kiran presented a session on the basic concepts of political economy like value, price, profit, surplus value and wages. The participants took part enthusiastically and made it an interactive session with questions. Com. Murthy presented the concluding session of the first day. He spoke elaborately on various aspects of communist movement. The session dealt with the importance of working class movement and class consciousness in the times of highly divisive political environment under the current BJP/RSS/Modi rule. The interest shown by the participant comrades



has stressed the need of having such political classes regularly.

### **The Session on Rural Labour:**

Com. Bangar Rao presented some core issues faced by rural labour in Andhra Pradesh. He discussed about the transformation of small peasantry into labour both in agriculture and other non-farm activities. He also discussed about organising principles of rural union and the need to expand our work.

### **Speeches by Leading Comrades:**

Comrades T Aruna, Anbu, DRajesh and others spoke on the practical issues that workers are facing in various sectors and the importance of unionising the workers.

### **Concluding Session:**

The state work was summarised and the reports of different models of our practice in different parts of the country were also shared.

In the following session, it was decided to hold the first state conference of AICCTU soon with a membership target of 50,000 and with expansion of our work to eleven districts out of a total of thirteen. An orientation for the work in the state was also decided. Organising workers of sanitation, schemes, construction and railways were taken up as sections for concentration. The workshop also made three categories of districts for concentration. The need for organizing rural labour under the banner of AICCTU was also emphasized.

The workshop concluded with a firm resolution to make the state conference a grand success and to strengthen the state AICCTU to hold high the banner of people's resistance and workers unity against the anti-people, anti-worker regimes of Modi and Jagan. ■





All India Central Council of Trade Unions

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