



# WORKERS RESISTANCE

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## Spirited ASHA Workers of Bihar Secure an Encouraging Victory Through a Prolonged Strike





**A**ugust 12th, 2023 marked a historic victory for striking ASHAs (Accredited Social Health Activists) in Bihar with the state government agreeing to increase the monthly payment by Rs. 1,500 per month and providing the payment as ‘honorarium’, instead of ‘reward’ (paritoshik). The 31-day long indefinite strike of around 1 lakh ASHA workers and ASHA facilitators across Bihar had begun on July 12th, 2023 under the joint banner of ASHA Samyukta Sangharsh Manch, with Bihar Rajya ASHA Karyakarta Sangh - Gope-Group (AICCTU), and ASHA and ASHA Facilitators Union at the forefront.

Shashi Yadav, general secretary of Bihar Rajya ASHA Karyakarta Sangh - Gope-Group explained that the strike by ASHAs had been the largest women workers movements in recent history of Bihar with tens of thousands of ASHA workers uniting for this massive movement.

The strike continued for 31 days in almost all Primary Health Centres (PHC), Community Health Centres (CHCs) and Referral Hospitals across of all districts in Bihar. PHCs became rallying spots for ASHAs and ASHA facilitators. Despite the strike, ASHA workers ensured that emergency work as well as cases of childbirth were not adversely affected.

“The major victory for the movement was that government had agreed to payan ‘honorarium’ rather than a ‘reward’ to ASHA workers. The payment of their work as reward (paritoshik) was derogatory and it demeans the labour done by ASHAs; honorarium recognised ASHAs as workers,” said Shashi Yadav.

ASHAs, who are frontline health workers and are the backbone of country’s rural health and vast immunisation programmes have been playing a vital role in ensuring proper access to healthcare and fight against the COVID-19 pandemic. But in Bihar and across the country, they have been forced to work for a pittance, where there have been instances of ASHAs walking several kilometres on inhospitable roads in villages to meet their targets.

“Though the increase of Rs. 1500/- is less than what we had demanded, we consider this as the first victory in the battle for rights of ASHA workers,” she added. ASHAs and ASHA Facilitators will now receive a

fixed amount of Rs. 2,500 per month from the State and Rs. 2,000 per month as central government contribution, along with other performance-based incentives.

It was also agreed in the negotiations that a recommendation based on the demands to increase the incentive rates under the scheme will be sent to the central government by the Bihar state government. The incentive amounts being given for various types of works for ASHAs under the scheme have remained stagnant for decades and need to be urgently revised and increased by at least 300% in view of the skyrocketing inflation.

The payments due since the pandemic period will also be paid by the government. The other demands of a nine-point charter will be resolved through bipartite discussions with the state government. Furthermore, the cases lodged against ASHA workers during the strike will also be withdrawn.

The CITU and ASHA Facilitators’ leader Vishwanath Singh termed this gain a victory, but the struggle will continue as the government has not agreed to pay Rs. 10,000 as honorarium, which was the demand. ASHA leader Sudha Suman said that another important demand of pension and retirement benefits is being taken by the government for consideration.

Rambali Prasad, Honorary President of Employees’ Federation (Gope) and Ranvijay Kumar, State Secretary, AICCTU noted that the demand put forward by ASHA workers had been part of the Mahagathbandhan manifesto during the assembly election in 2020. Despite several rounds of failed negotiations and bureaucratic hurdles, the determination and courage of ASHAs have finally led to a victory in this struggle.

## **The Striking Moment- Rally of August 3rd**

As the strike entered its fourth week, on August 3rd, tens of thousands of ASHA workers and ASHA facilitators gathered at Patna’s Gardanibagh with their demands. The massive ‘Mahajutan’ (huge gathering) painted the streets of Gardanibagh in pink (uniform of ASHAs) with the place reverberating with the calls for dignity, respect and rights.

Their negotiations with the government in two

rounds earlier had yielded no result, and faced threats of retrenchment, filing of criminal cases against striking leaders. Deputy CM Tejaswi Yadav, who heads the health portfolio, had agreed to change the monthly payment from paritoshik to an honorarium and raise the amount, but the promise was not kept in spite of the repeated reminders and memorandums.

It was unfortunate that despite the long struggle and deteriorating health condition of ASHA workers, there was no move by the state government to solve the issue. An ASHA worker from Siwan, Saraswati Devi, died while sitting on protest.

“The protest gathering of ASHA workers marked a striking moment in this battle,” explained Kunal, Bihar State Secretary of CPIML Liberation. Faced with an increasing resistance by ASHA workers and halt of rural health services, the government finally agreed to reach an agreement with ASHA workers.

The unions condemned the attitude of the state government who ignored and threatened manoeuvres and asked the government to honour its agreement with ASHA unions made in January 2019 and to implement the government’s own promises made during the budget session in the Bihar Assembly and start negotiations immediately with the ASHAs on their nine major demands.

The gathering also witnessing a massive wave of solidarity with several leaders of left parties and civil society, including Mahboob Alam, Satyadev Ram, Gopal Ravidas, Rambali Singh Yadav, Amarjit Kushwaha of CPIML and Ajay Kumar and Satyendra Yadav of CPIM addressed this rally along with AIPWA general secretary Mina Tiwari, Saroj Chaube, joining to stand with the striking ASHA workers.

## Backbone of India’s Healthcare System

More than one million ASHA workers form the most important link in India’s health infrastructure. They perform many tasks like antenatal and postnatal care for women, facilitate institutional child birth, make home visits for the new-born and postpartum mother, and they also work on malaria and diarrhoea control, distribute ORS, monitor growth of children, immunisation of children, helps in birth control and family planning, and lot of other such essential work.

The government calls them ‘community activists’. However, they are not just activists, but frontline workers. They attend meetings and camps at block and district level regularly, maintain village-level health registers, prepare lists of children to be immunised, for antenatal care beneficiaries and eligible couples. It is their job to reach out to adolescent girls and organise monthly meetings pertaining to menstrual hygiene, and also to take part in various health related programmes, including tuberculosis control, leprosy eradication, vector borne disease control, and to motivate households to construct toilets and use clean piped water.

The government calls ‘community intervention’ the work of ASHAs which is supposed to be a ‘mission’ (NHM, NRHM and NUHM) and not a proper job, but they have to perform more than 60 different kinds of work like a regular employee, however their remuneration is based on small incentives. Their working hours range anywhere between 4 to 8 hours on an everyday basis, occasionally even more, and during the pandemic, they had to work day and night without any safety equipment. Moreover, since the payments are incentive based, which is a new form of piece-rate work, it forces them to work more to ensure sufficient earning for minimum sustenance. Interestingly, they are not considered workers but are eligible for the Pradhan Mantri Shram Yogi Maan Dhan Yojana, an insurance scheme for the unorganised sector workers. This exposes the hypocrisy in the treatment meted out to the ASHA workers.

ASHA workers make the core of NHM strategy for providing access to healthcare at the doorstep as ‘honorary volunteers’ without any salary. The incentives being given to them come under the head ‘community intervention’, while the regular



employees of NHM get a salary under the head of 'Human Resources'. This characterisation as volunteers or activists devalue women's work and signals government's unwillingness to invest in a regular cadre for public health services in rural India (Shruti Ambast, CBGA, 2021).

Even though ASHAs across the country the same type of work, payments made to them vary from state to state. For some routine and recurring activities they were getting Rs. 1,000 incentive till 2018 by the Centre. This was raised to Rs. 2,000. Since NHM is jointly funded by the Centre and the State in a ratio of 60:40, state governments have added their share of incentives which varies to a great extent. In Bihar, this incentive stood at Rs. 1,000 a month till this successful strike took place. As per a Rajya Sabha question answered on March 22nd, 2022, in UP this is Rs. 750 per month for a specified 5 core activities. Andhra Pradesh provides Rs. 10,000 per month by topping up the remaining amount to the total incentives earned by ASHAs, whereas Telangana provides the balance amount to match the total incentives at Rs. 6,000 per month. Delhi gives Rs. 3,000 per month for 12 core activities in addition to the incentives earned for other non-core activities. Gujarat gives 50% top up over and above the earned incentives, while in Chhattisgarh this is 75% top up. In Uttarakhand this is Rs. 1,000 per month and an additional Rs. 5,000 per year!

Bihar ASHAs will now get Rs. 2,500 per month as state's share against the designated core activities, along with the Centre's Rs. 2,000 and incentives for many non-routine and non-recurring jobs. With all kinds of incentives combined, the ASHA workers get monthly payments which usually is much less than the prescribed minimum wage in respective states. The minimum wage for skilled workers in Bihar is Rs 12,766 per month, and the payments received by most of the ASHAs usually doesn't cross the halfway mark of this amount. Comrade Shashi Yadav said that total payments earned depend on the location and the number of jobs assigned. Out of the 90,000 ASHAs in the state, nearly 85% get a monthly income around Rs. 6,000 which is less than half of the minimum wage. This is after a full day's work on a daily basis.

An additional pandemic allowance of Rs. 1,000 per month was added during the COVID-19 period after countrywide agitations and strikes by ASHA workers. But this was not implemented and more than one third ASHAs are still struggling to receive the promised amount. In Bihar too this remained on paper, despite repeated requests and agitations. Now, the state government has agreed to pay the due amount to all.

By not recognising scheme workers as employees, the mindset of the State is exposed with their regressive patriarchal mindset that devalues women's labour making them more vulnerable and insecure, huge economic exploitation is just one dimension of a bigger problem. When the struggle is on-going with the demand to replace 'honorarium' with regular pay and other benefits, the BJP ruled states further downgraded the honorarium by renaming it as 'paritoshik' which was opposed vehemently by ASHAs in Bihar. The Bihar government has renamed it back to honorarium, while in Uttarakhand it continues to be termed paritoshik.

## **Towards A Country-Wide Struggle**

"With this victory, our struggle for rights, dignity and respect for ASHAs will intensify. We will now take this battle to the doorsteps of Delhi – towards a national struggle," said Shashi Yadav. "This will be part of the agenda for the upcoming All India Conference of All India Scheme Workers' Federation being organised in Patna on September 9th and 10th, 2023. The conference will focus on the issue of minimum wage and recognition of all scheme workers as 'workers'," she said and noted that across schemes like ASHA, anganwadi, mid-day meals, workers are facing abysmal working conditions and remuneration, with no access to social security.

CPIML Bihar Secretary Kunal noted that numerous ASHA workers in Bihar have played a vital role in the fight against the pandemic. They did their work despite the dangers and lack of safety equipment. Several ASHA workers died during this period. The role of ASHA workers was hailed by the World Health Organisation, the Patna High Court, and many more institutions and organisations for their services and commitment towards the rural health welfare and



for their work during the pandemic.

But the ASHAs have only received neglect from Modi-led central government. “The AISWF conference in Patna will pave for the united struggle across the country to clinch their long standing demands,” said Kunal.

The struggle for working class rights and dignity of ASHA workers have been on-going since one and half decades. Since the inception of their scheme under the NHM, the ASHAs have been demanding recognition of their labour as workers and remuneration as per the scheduled wages.

The two-day nation-wide strike in August 2020, the Maharashtra and Madhya Pradesh ASHAs strike in June 2021, Punjab ASHAs in September 2020, Karnataka ASHAs in July 2020 along with ASHA workers’ movements in Delhi, UP, Uttarakhand, Bihar, Jharkhand, West Bengal, Andhra Pradesh and Kerala are some recent strike actions demanding better safety standards and pandemic allowance.

Their demand for a minimum monthly wage of Rs. 21,000 in place of an ‘honorarium’, recognition as government workers to bring them under the ambit of the country’s labour laws, besides pension and other social security benefits to be extended to them, have gained political dimensions and the ruling parties in many states are now compelled to make this a rallying point, even if as an election promise.

The label of ‘activists’ is imposed only as a means to exploit their labour at dehumanising cheap rates, while the governments have shunned all responsibility and legal obligation towards them. The ‘Parliamentary Standing Committee on Labour’ had recommended that all frontline workers be included in the Social Security Code passed by the Modi government in 2020. However, the same was not paid heed to. The ASHA, anganwadi and mid-day meal workers together form a huge contingent of the working class with immense potential of challenging this neoliberal policy framework. ■

## THE DEMAND CHARTER:

1. The remuneration being given to ASHA workers and facilitators as ‘reward’ must be renamed as ‘Honorarium’ and the amount be increased from Rs. 1000 to Rs. 10,000 per month.
2. The pending dues of the same for the period April 2019 to November 2020 should be paid immediately. The dues pending for the period before the start of the online portal should be paid in full.
3. The pending payments must be done via a transparent and uniform process.
4. The practice of corruption and taking bribes be curbed in payment of ASHAs.  
ASHA and ASHA facilitators should be paid a pandemic allowance of Rs. 10,000 for working during the times of Covid-19.
5. ASHAs should be provided with a full dress including blouse, petticoat, woollen coat etc. along with the Saree.
6. There should be a uniform for the Facilitators to be provided on governmental expense.
7. Facilitators should be paid conveyance allowance for all days of the month at a rate of Rs. 500 per day.
8. The state government should send a proposal for increasing the reward/honorarium rates for various works which have not increased for years.
9. ASHA workers and ASHA Facilitators should be recognised as government employees.
10. For ASHAs and ASHA facilitators who died during Covid pandemic (reported and unreported both) their families should be paid compensation of Rs 4 Lakhs declared by the state and Rs. 50 Lakhs as per the central insurance scheme.
11. ASHA workers and ASHA Facilitators should be given social security benefits and pension benefits, till this demand is accepted they should be paid Rs. 10 lakh as one time retirement package.
12. The Agreement made with ASHA workers and ASHA Facilitators in January 2019 must be implemented in full and cases lodged against ASHA workers and ASHA Facilitators should be withdrawn.

# Tears Beneath the Tea Cups!

★ ATANU CHAKRAVARTY



“The abject working and inhuman living conditions of tea labourers is reminiscent of the indentured labour introduced in colonial times by British planters,” noted a 2022 report by a Parliamentary Standing Committee. This Committee further emphasised on the importance of implementing the Minimum Wages Act for the tea garden workers. The Committee stated that the daily wage in Darjeeling tea estates is “among the lowest paid to any industrial worker in the country.” The Darjeeling tea estates, known world-wide as the ‘champagne’ of Indian teas, stands its own ground, alongside the teas from the Nilgiri Hills in South India and the plantations in Assam, is in the cusp of crisis passing through trying times.

This is the reality of tens of thousands of workers, in a sector with a higher number of women, who are paid meagre wages. It is tied together by a colonial labour system, sans land rights and with little access to government schemes. The wage rates are the lowest among all other plantation sectors which also indicates a persistent gender wage gap in the plantations. The tea gardens of Bengal and North

Eastern India witnessed starvation deaths of more than 1400 people, and acute malnutrition during 2000 - 2015. The starvation, deaths and hunger seem to be hiding behind the lush green gardens.

There is no uniformity in wage structure for workers across states in tea and among other plantation sectors. The North Eastern region constitutes around 80 percent of the total land area under tea plantation and more or less equal productivity, the auction price of tea in North East (NE) India is higher when compared to South India, but the NE region shows depressed wages compared to the south. The initial gap in wage rate between regions of tea plantations widened and the difference is almost double now.

In West Bengal, after a series of tripartite meetings including all trade unions in the sector, (known as Joint Forum of Trade Unions in Tea Industries and Management), the state government proposed a minimum interim wage of Rs 250 per day, which the management denied and challenged in the High Court. The High Court (HC) rejected management’s appeal and ordered immediate disbursement of

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Rs 250 per day as proposed by the state government. HC also ordered to fix minimum wages within a stipulated time frame of six months. This new interim minimum wage has been effective since 1st August. It has also been decided that the wages due for June-July shall be disbursed later. The increase in interim daily minimum wages is Rs 18 only. Henceforth, all workers are to receive this amount.

Daily wage of Assam's tea workers' was hiked by Rs 27 in 2022. However, this was much below the wages received by the plantation workers in the southern states. This hike from 1st August raises a worker's daily wage to Rs 232 in the tea-gardens located in

the Brahmaputra valley, and to Rs 210 in gardens located in the Barak valley. Promise of higher wages for tea workers was one of the biggest poll-issues in the 2021 assembly election in Assam. Daily wages for plantation workers in Kerala are Rs 421.26, which is the highest in the country, followed by Rs 406.80 in Tamil Nadu and Rs 376.78 in Karnataka. These three states recently revised the wages upwards. Bihar and Tripura have the lowest wages for plantation workers - Rs 175 and Rs 176 respectively.

Along with their salary, workers in tea plantations are entitled to PF, gratuity, housing, free medical facilities, free education for their children, fuel and

protective gear such as aprons, umbrellas, raincoats, high boots and creches for female workers. Currently, these are merely on paper. All these rights have been systematically violated. Non payment of PF dues and gratuity after retirement is very common in the industry.

The already precarious lives are at greater risk because the tea industry is facing serious challenges and problems due to climate change, competition from cheaper teas, recessionary global market and ebb in production and demand, etc.

The cupful of tea that cheers us every morning is now replete with tears! ■



*The workers at Lal Bagh on the Doloo tea estate protest against the sale of the land they work on to the government for a new airport near Silchar, Assam | NIKITA JAIN, 2022*

# Yes, to OPS! No to Modified NPS!

★ SHANKAR V

The movement for a decent pension is assuming greater prominence and spreading fast all over the globe in the wake of, and as a fall out of implementation of neo liberal policies, a panacea discovered by the global capital to overcome the crisis in the post-Keynesian phase. The end of the concept of welfare state begun with the introduction of neo-liberal policies. The privatisation of social security including pension has further accentuated the pension crisis. The concept of pension as a defined benefit was put an end with the introduction of contributory one. The responsibility of social security as a whole, including pension, has befallen on the shoulders of workers themselves. The governments and employers are shrugging off their responsibility of old age care of their employees. Pension issue is nothing but an issue of poverty in old age.

## Pension – A Political Issue

Unable to bear the pressure from the workers movement in the country and also to make a counter point against the BJP ruled Union Government, some of the non-BJP ruled states like Rajasthan, Chhattisgarh, Jharkhand, Punjab, and Himachal Pradesh, have decided

to restore Old Pension Scheme (OPS). But, the Modi-led BJP government at the centre, through PFRDA (Pension Fund Regulatory and Development Authority), is creating obstacles to the process by refusing to return the money collected in the name of National Pension Scheme (NPS) from the same employees since 2004.

The issue of pension is not a fringe issue anymore and is snowballing into a major political issue in the run up to the Parliamentary elections in 2024. It was a major political issue in several assembly elections like UP and Himachal Pradesh too. Several political parties, barring BJP and few others, also made elections promises to restore OPS to fulfil the demand of the government employees' movement. It is in this backdrop, the Finance Minister, in her last budget speech, announced a committee headed by the Finance Secretary to look into the issues of and possible improvements on NPS, which is contrary to the demand of the workers movement to restore OPS. There are speculations that the Modi-led BJP government may announce some improved NPS, mostly with relatively higher amount of pension, before assembly elections in four states including Rajasthan, Madhya Pradesh,

Chhattisgarh, and Telangana. The government has already made its intention clear that it is not for restoring the OPS, but for some improvements in the existing scheme of NPS.

## Neo-liberal Logic and Super Profit

In the backdrop of increased life span to 70 years in 2020 - compared to 32 years in 1947 - the demand for pension is also an attempt to overcome poverty in old age. The countries all over the world, guided by the neo-liberal economic philosophy, attempt to reduce the financial burden on the economy, due to pension, by increasing retirement age on the one hand and also by making it largely a contributory scheme. This is a socially irresponsible and unscientific approach adopted by the global capital driven by motive of super profit.

## Growing old Age Population

The population in India is relatively younger now and is expected to grow older by 2050. There are estimates that suggest 30 percent of world population and roughly 20 percent of Indian population would grow older by 2050 to be dependent on pension. More than 50 lakh people are estimated to join the population of citizens above 60 years every year. In

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such a scenario, the question of pension is a live issue.

According to the National Sample Survey Office (NSSO) report, in 1961, about 5.6 percent of the total population of India was in the age group of 60 years and above, whereas in 2021, the proportion has increased to 10.1 percent. The Report of the Technical Group on 'Population Projections for India and States – 2011' says that there were nearly 13.8 crore elderly persons in India in 2021, and the population is expected to further increase to around 5.6 crore by 2031.

### **Pension is Not a Charity, But a Right**

The government argues that old age population is a burden that can destabilise the economy. But, it does not say anything about its responsibility towards its own employees in their old age. The government is responsible to take care of the issues of old age of its employees. They are people who have spent their youth in the service of the country and the government. Hence, the government is bound to provide them a decent and dignified life in their old age. But unfortunately, the government is also driven by profit motives and is calling them a burden on the country and the people's taxes.

The country's Supreme Court and the International Labour Organization (ILO) have clearly stated that the pension provided to employees is not a charity from the companies or the government, but it is

their right. Pension is a benefit out of their own investment of labour. This cannot be denied or diverted elsewhere without their approval. Pension is that portion of an employee's salary that is unpaid to them while they were in service. Despite this, the government designed a contributory pension scheme replacing a defined benefit scheme that created an unsecured future for employees from 2004 and for the next generation. The government is denying their right and has forcefully snatched away the future of the employees.

### **OPS vs NPS : Benefit vs Contribution**

NPS is applicable to employees who joined the government and public sector services from 2004. OPS assured a defined benefit of 50 percent of the last drawn salary to its employees. The labour they spent for the service until the age of 60 years was their investment and there was no separate contribution towards any pension fund. The pension was treated as a benefit and a fixed amount to its employees for the services they offered in their working age. The person retired with a last drawn salary of Rs. 30,000 per month was offered a pension of Rs. 15,000 each month, along with Dearness Allowance (DA) linked to inflation, which would amount to Rs. 20,000 per month (approximately). With this amount, a senior citizen can be saved of any poverty in old age.

But, NPS is a contributory

scheme to which the employees on service since 2004 are to part with 10 percent of their salary, while the government is to pay 14 percent. In return, after their retirement, they get less than 10 percent of the annuity. This is also affected by various factors, including the amount deposited, vagaries of the financial market, number of years of service, etc.

NPS funds are managed by domestic and foreign fund managers. The money is circulated in speculative financial market. About 27 percent stakes of UTI are owned by a foreign financial company and differences on various issues have started coming to the fore. The returns of pension fund from share market varies and also faces losses which can leave a stubborn imprint on the final pay out as pension to individual employees. In case of bankruptcy of the fund management companies, the employees will have to bear the brunt of it. The government does not give any counter guarantee to employees, while the companies enjoy the same.

Essentially, the contribution under NPS is defined while the return from such contributions, in terms of pension, is undefined. NPS is designed to be paid proportional to the actual savings and accruals of each individual employees during the period of their service and do not take care of their needs and problems after retirement. In several cases of NPS, we also witness employees drawing a

monthly pension of not more than Rs. 1,000 or Rs. 2,000. Till February 2022, there were 22.74 lakh Central Government employees and 55.44 lakh State government employees enrolled under the NPS.

The government employees, particularly the young generation, are the worst affected because of their future retired life. Especially, in the backdrop of meagre pension under NPS. The demand for restoration of OPS is nothing but a demand to mitigate poverty in their old, “unproductive” age. It is a demand for a pension of 50 percent of last drawn wages along with DA to compensate for the rising inflation. The workers who joined service after 2003 form the backbone of the present phase of the movement to restore OPS. The government is bound to face the music if it refuses to listen to the demand of young workers.

### **Employees’ Pension Scheme (EPS)**

Another pension scheme under Provident fund (PF) covers mainly the workers of private sector who draw wages up to Rs. 15,000. They pay some 12 percent of their wages towards PF and the employer pays an equal amount to their account. Out of a total contribution of 24 percent by workers and the management, 8.33 percent goes to the pension fund while the remaining is returned with interest at the time of retirement of the worker. In the final analysis, we find that a vast majority is receiving

only the minimum pension of Rs. 1,000 and they struggle to overcome poverty in their old age. The government has no plan to increase their pension to lead a decent and dignified life.

### **Atal Pension Yojana (APY)**

Atal Pension Yojana was introduced assuring Rs. 1,000 to Rs. 5,000 as pension per month. To cover the unorganised workers from informal sector, the assurance of pension stood in multiples of 1,000 depending on the contribution. Workers between 18 years and 39 years are allowed to join the scheme and are expected to contribute monthly towards pension for not less than 20 years. A worker of the age of 40 and above is not eligible for the scheme. If one opts for a pension of Rs. 5,000, s/he is to pay Rs. 210 (18-year-old contributor for 42 years) to Rs. 1,318 (39-year-old contributor for 21 years) per month. NPS – Lite is another scheme aimed at covering the same section.

The contributors under these schemes rose to 1.57 crores as of July 2018. Still, it stands at a miniscule 4 percent, out of a total of 39.14 crore (2011 census) unorganised workforce in the country.

### **Poverty While at Work**

The alarming increase in informality of workforce to the tune of 93 percent in the country, which does not have a secured or better jobs and wages to pay for their future pension is a matter

of grave concern. This issue can be addressed only by resolving problems of indecent wages and rising unemployment and thereby, poverty of the working people in the country. Under-employment is a major problem confronted by unorganised workforce. The problem of pension – social, benefit or contributory – cannot be resolved unless the government addresses the fundamental problems as mentioned above. Only a strategy to mitigate poverty during the working age can be an answer to poverty in old, pensionable age. The capital – both domestic and global – failed to address the fundamental problem to make the country and people prosper.

### **Social Pension**

Modi led BJP government claims that they have extended pension to unorganised sector workers. But, the pension being offered under all these schemes do not extend beyond few thousands, mostly a thousand only, which is much below the level for leading any decent life for any individual human being in the country.

On the other hand, the responsibility for providing social security is not on the employers or the government, but is bestowed on each and every worker themselves with the introduction of the Social Security Code that is awaiting implementation.

The problem of pension is intricately linked to the level of poverty, unemployment, and wages in the country,



which impacts the lives of individual workers in its own way. Social pension to bear the minimum level of pension to each worker does not have any replacement. There are several studies and research which acknowledge the progressive role of the system of social pension in the development of the country, economy and in the lives of individual pensioners, if properly strategized by the governments.

The government should necessarily plan to bear the old age welfare of workers in their non-working age. Putting the burden on workers only increase the pressure on the economic well-being of the country's economy, unless a decent pension is guaranteed by the government to lead a dignified life.

## Global Pension Index

The track record of India on this score is very poor. Mercer and CFA Institute released its 14th annual Mercer CFA Institute Global Pension Index (MCGPI) covering 44 countries in October 2022. Iceland topped the list, while Thailand was the lowest. India ranked the 41st, one of the lowest, among 44 countries. Iceland (1), Netherland (2), Denmark (3), Israel (4) and Finland (5) were the top 5 while Turkey (40), India (41), Argentina (42), Philippines (43) and Thailand (44) were the lowest 5.

The 'Global Pension Assets Study 2023' conducted by WTW and Thinking Ahead Institute

says that seven largest markets, including Australia, Canada, Japan, Netherlands, Switzerland, UK and US, comprise 92 percent of the total pension assets in the world. Pension markets are concentrated in these seven largest markets and the global capital is planning to expand and penetrate the remaining pension markets. Hence, the pension reforms across the world, including India, is focussed on accumulating pension capital and thereby expanding the pension markets. Asian and African countries figure on the top priority list. Modi government's attempt to bring in vast majority of unorganised workforce into the pension and other social security net is aimed at building a financial infrastructure by accumulating capital using the hard earned small savings of the unorganised workforce in the country, while euphemistically claiming to extend pension to all. Social Security Code is nothing but a tool to accumulate capital using the unorganised workforce to benefit the rich and the powerful.

## Rising Waves of Struggles

Pension reforms is a major issue being confronted by the working class today. Very recently, violent protests by lakhs of workers in France erupted against the increase in retirement age and decrease of benefits granted. Entire Europe is restless on this issue of pension.

In India too, we are witnessing

a series of struggles by various platforms against the NPS and for the restoration of OPS. The National Movement for OPS (NMOPS), including FANPSR (Front Against NPS in Railways), which has been a pioneer of pension struggle for some years, has declared a massive protest in Delhi on 1st October and has begun its yatra from Champaran in Bihar. The IREF (Indian railway Employees Federation), an alternative left federation of railway employees has also thrown its weight behind the NMOPS. The platform of recognised unions of the Central and State Government employees, despite being a late entrant into the movement, held a massive rally on 10th August in Delhi to emphasise their demand under the banner of JFROPS (Joint Forum for Restoration of OPS).

EPS pensioners organisations are also gearing up towards a day's strike soon in coordination with and coinciding with the call of an all India strike by central trade unions of the country. Rail and road picketing are proposed to be organised in December 2023. Pension movement is rising steadily in the country.

The days are not far off when a vast majority of movements demanding pension converge at a point where Modi will be defeated in the 2024 elections to secure a future with decent pension and dignified life for senior citizens across the country. ■

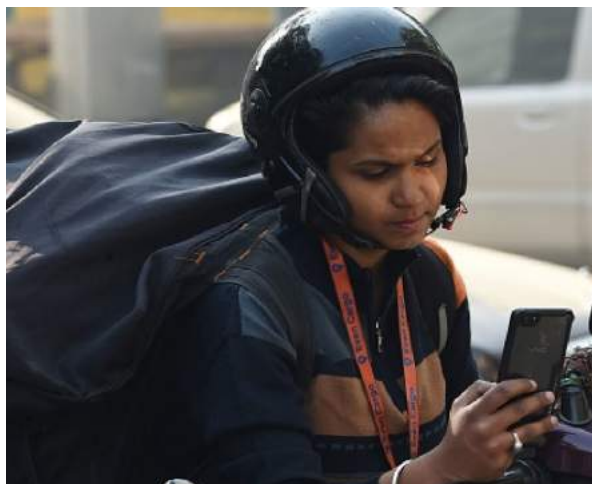
# New Rajasthan Laws on Minimum Guaranteed Income and Gig Workers

★ CLIFTON D' ROZARIO AND AVANI CHOKSHI

The Rajasthan government, in July 2023, passed two laws – “The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023” and “The Rajasthan Minimum Guaranteed Income Act 2023” – both of which represent important labour law reforms and enunciate an understanding of labour rights that needs to be contextualised and understood. These laws come on the heels of struggles by various sections of the working class and organisations in Rajasthan and represent another instance of struggles forcing legal reforms.

The sustained economic crisis, which was exacerbated by COVID and the disastrous lockdowns, have effectively led to increasing informalisation of the labour force, depreciation of wages and growing job insecurity. In the face of this, the Modi government embarked on, what Naomi Klein calls the “shock doctrine”, that is the brutal tactic of using the public’s disorientation following a collective shock – wars, coups or natural disasters – to push through pro-corporate measures. Laws relating to agriculture, land ownership, acquisition of lands for industries were all amended by the Modi government.

The Modi government pushed through the four Labour Codes aimed at denying workers hard-earned rights over the past 150 years, and giving legal sanction to job insecurity through contractualization and informalisation, and starvation wages. The BJP governments in Uttar Pradesh, Madhya Pradesh and Gujarat latched on the opportunity and introduced various ordinances freeing employers from complying with labour laws and pushing workers towards slavery.<sup>1</sup> Incidentally Congress government in Rajasthan too tried its



hand at this and issued an order enhancing daily working hours to 12 hours, but was compelled to withdraw the order within a month because of the severe fightback from the working class.<sup>2</sup>

Three years later, the Rajasthan government has enacted these two labour rights-related laws, which have been heralded by many as a progressive step to ensure realisation of rights of workers.

The Rajasthan Minimum Guaranteed Income Act 2023:

This enactment provides statutory basis for rights in three broad areas – Right to Minimum Guaranteed Income, Right to Guaranteed Employment and Right to Guaranteed Social Security Pension, besides providing for the implementation mechanism for realisation of their rights, and procedures for ensuring transparency, accountability and grievance redressal.

- Right to Minimum Guaranteed Income: The law imposes a statutory obligation on the

[1] See “COVID-19 Lockdown: Uttar Pradesh and Madhya Pradesh watering down labour laws is a body blow to the working class”, available at <https://www.firstpost.com/india/covid-19-lockdown-uttar-pradesh-and-madhya-pradesh-watering-down-labour-laws-is-a-body-blow-to-the-working-class-8355791.html>

[2] “Rajasthan govt restores eight-hour working shift for labourers”, available at <https://www.thestatesman.com/india/rajasthan-govt-restores-eight-hour-working-shift-for-labourers-1502892658.html>



State government to provide “minimum guaranteed income” by providing work in urban and rural areas or by providing pension to an eligible category of old age/ specially abled/widow/single woman.

- Right to Guaranteed Employment in urban areas - India’s first Urban Employment Guarantee Law: A noteworthy aspect of this enactment is the employment guarantee to persons in urban areas. With the enactment of this law, Rajasthan has become the first state in the country to enact a law that guarantees employment in urban areas. Persons residing in urban areas of Rajasthan have the statutory right to guaranteed employment i.e. the “right to get guaranteed employment for doing permissible work of at least 125 days in a financial year and to receive minimum wages therefor weekly or in any case not later than a fortnight”.
- Enhancing rural employment guarantee to 125 days: It is worth noting that as far back as 2005, the UPA government had enacted Mahatma Gandhi Rural Employment Guarantee Act (MNREGA) guaranteeing 100 days of work to people in rural areas. Crucially the Rajasthan law increases the entitlement to rural workers by adding 25 days of rural employment guarantee over and above the 100 days mandated by MGNREGA.
- Right to Guaranteed Social Security Pension: As pointed above, the law envisages minimum guaranteed income old age persons, persons with disabilities, widows and single women, through the statutory guarantee of pensions. Pensions for senior citizens, widows and persons with disabilities is presently under various Schemes, which do not have the force of law and do not bestow any legal rights on the beneficiaries. This enactment has now made pension a legal right, the violation of which can be challenged in a court of law. It is reported that the guarantees pension

will be Rs 1,000 a month with a provision in the law that this pension shall be increased by 15% every year. This provision of annual increase in pension is towards offsetting inflation to an extent.

The laudable aspect of this law, in particular, is the guarantee of employment to persons in urban areas. Note that the law uses the word “persons” implying that there is no household quota and any person can seek enforcement of this right by demanding work from a designated Program Officer in the urban local body, who is duty bound to provide employment from the list of permissible works in the urban local body, within 15 days of the application being made. Failure to do so entitles unemployment allowance on weekly basis to the person demanding work.

This law is essentially the urban legal version of the MGNREGA, and it is likely that it will face the same hurdles in implementation as the MGNREGA including failure to provide work, non-payment of unemployment allowance, law wages and delay in payment of wages. Having said that, let us remember that the MGNREGA, despite all its operational drawbacks, proved to be succour to the rural poor during the COVID crisis.

Lastly, on the question of pensions, it is inescapable that it has been made into a legal right for old age persons, persons with disabilities, widows and single women. However, even the increased pension of Rs. 1000/- is measly and insufficient.

### **The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023:**

Lack of secure jobs and the growth of the service industry is producing an army of platform workers in most urban areas across the country. NITI Aayog has estimated that there were 77 lakh gig workers in 2020-21, which was expected to reach 2.34 crore by 2029-2030.<sup>3</sup> However, these workers, in the employment of numerous platforms such as Zomato, Swiggy, UrbanClap, Dunzo, Blinkit, Zepto, Ola, Uber, etc., have been placed at the height of structural vulnerability and state failure due to collaboration between exploitative platforms and

[3] NITI Aayog. (2022). India’s Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work. June, 2022 [https://www.niti.gov.in/sites/default/files/2022-06/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf)

a crony corporate anti-people State.

The Rajasthan government has now passed this new law, becoming the first state to statutorily mandate social security benefits to gig workers. Some of the notable features of this new enactment are as follows:

- Gig worker has been defined as a person “who performs work or participates in a work arrangement and earns from such activities outside of traditional employer–employee relationship and who works on contract that results in a given rate of payment, based on terms and conditions laid down in such contract and includes all piece-rate work.”
- It mandates the creation of the “Rajasthan Platform Based Gig Workers Welfare Board”, headed by the Labour Minister, which, among other duties, shall ensure registration of platform-based gig workers, aggregators and primary employers, and monitor schemes for gig workers, etc. The Board can also suggest schemes to the State Government and also constitute committees for providing recommendations to the State Government.
- In regard to the registration of platform-based gig workers, it mandates that the aggregators will be legally obligated to provide its database of all platform-based gig workers onboarded or registered with them.
- The State government shall register and generate a unique ID to all platform-based gig workers.
- “The Rajasthan Platform Based Gig Workers Social Security and Welfare Fund” is to be established under this law. The fund shall be constituted primarily by grants from the government and a “welfare fee” to be charged on each transaction related to platform-based gig workers.
- It also contemplates a grievance redressal mechanism for gig workers in relation to any grievance pertaining to their rights under this Act.

Thus, in essence, the Act constitutes a Welfare Board to which the gig workers would be registered and which would monitor the implementation of social security schemes for gig workers formulated by the Rajasthan government.

No doubt, the Rajasthan government recognising the sorry plight of gig workers has attempted to draw up a law towards ensuring social security benefits to gig workers, is welcome, yet insufficient.

Outside of the critique around the efficacy of welfare boards, particularly in light of the functioning of the Unorganised Workers Board constituted under the Unorganised Workers Act, the Building and Construction Workers Welfare Board under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and various other sector-specific Boards in various states, there is one fundamental problem with the Rajasthan Act. The Act wrongly assumes that gig workers function outside traditional work arrangements and instead have a contractual relationship with the platform operator which determines the rate of payment. This assumption is not merely fallacious but adopts the erroneous explanation of the platform organisations that gig workers are “independent contractors” or “entrepreneurs” or “partners” or “agents” and deny gig workers the status of “workmen” as per the existing labour statutes. In fact, considering the host of factors laid down by the Supreme Court in various cases, in determining the jural relationship of employer-employee, it can only be concluded that gig workers are indeed workers as per existing law. It is necessary to note that courts in the UK and Amsterdam have already held that drivers of Ola and Uber would be ‘workers’ for the purpose of labour law. Hence, the effect of the Rajasthan law is to grant legitimacy to the false understanding that gig workers fall outside the traditional relationship of employer-employee. “However, the special benefits under this law will not denude gig workers of their rights to claim benefits and remedies under existing labour laws.”

The Rajasthan laws represent the reality that seemingly good intentions cannot be a replacement for the real realisation of workers rights. ■



# All India Joint Convention of Workers And Farmers

24th August, 2023, Talkatora Stadium, New Delhi



## DECLARATION

This All India Joint Convention of Workers and Farmers being held on 24th August, 2023, at Talkatora Stadium, New Delhi at the call of the Joint Platform of Central Trade Unions/Federations/Associations and Samyukta Kisan Morcha representing large sections of the working people of our country, takes stock of the alarming situation before the workers, farmers and all sections of common people of our country created by the destructive and disastrous pro-corporate policies being aggressively pursued by the government at the Centre since 2014. These policies are anti-worker, anti-farmer, anti-people and anti-national. They have proved to be disastrous for our national economy and for the unity of the people and integrity of the nation. This National Convention has met here on this Day to decide the future course of joint and coordinated actions to 'Save the People and their livelihood' from these disastrous policies.

The platform of the Central Trade Unions (CTUs)/Federations/Associations represents workers from

almost all sectors of our national economy-formal/organised and informal/unorganised, and the Samyukta Kisan Morcha represents large sections of farmers, including marginal, small and medium.

## Farmers Experience

Farmers, driven to suicides due to unending problems from cultivation to marketing, were saddled with the hated three farm laws that were openly pro-corporate. All the big corporates had started acquiring huge tracts of land to build warehouses, to replace government owned godowns. It was only the tenacious struggle of the Farmers, under the banner of Samyukta Kisan Morcha, sitting on Delhi borders for 13 months, facing all odds, harsh weather, even Covid pandemic, oppression and worst defamatory abuses (we will never forget Lakhimpur Kheri incident), that compelled the Union government to back track to save their skin. But even the written assurances given by the Union Government to the Farmers on MSP and Electricity (Amendment) Bill etc. have not been honoured. Due to the Government policies, the indebtedness of

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Farmers has increased and all the promises made to the Farmers to double their income have fallen flat. Lack of adequate irrigation, non-functioning crop insurance scheme, replacing Public Distribution Scheme with Direct Benefit Scheme only add to the woes of the Farmers. Agrarian economy is continuing to face a crisis, despite their contribution in enhanced production level.

## Workers Experience

The workers are faced with rising unemployment, job losses and spiralling prices of all essentials. All their hard-won rights are being watered down through Labour Codes, “for ease of doing business”. Permanent jobs are declining sharply; outsourcing, contract work in various formats, fixed term employment, gig work etc along with drastic decline in real wage level on the whole is becoming the new normal. The agricultural workers, a major component of the country’s agricultural population, are the worst-hit and pushed into absolute poverty and destitution, being forced to migrate to towns and cities in big number, devoid of any social security.

The Indian Government has been one of the founding members of the International Labour Organisation. But the Government, since 2014, is simply not observing even the ratified conventions. The very first convention enjoins the Government to limit working hours per day to 8, but the Government at the Centre as well as their state governments are increasing it to 12 hours at the behest of foreign multinationals. Convention 144 requires the Government to convene tri-partite meeting (Govt-Employer-Worker) at least once a year. This Government has not convened such a meeting since 2015, in spite of several reminders. All Labour Codes have been passed without such consultation. While the ILO is moving towards ensuring Occupational Health & Safety for the workers (unanimous Convention 189, adopted in International Labour Conference, in June, 2023), this Government has stopped even inspections of establishments. The struggle for Old Pension Scheme (OPS) and against National Pension Scheme (NPS, brought by the previous NDA Government from 1999 to 2004) by Government employees – both Central and State – has assumed an nation-

wide proportion, with some of the states restoring the OPS, while the Centre tries to find escape route promising “Pension Committees” to look into it.

## Government’s Policies

Privatisation is central to the policies of this Government. When sale of cash cows like BPCL, CEL, Air India, Pawan Hans etc was not picking up at the pace they wanted, the Government came up with National Monetisation Pipeline (NMP) project, handing over various public sector assets, built with people’s money, to big corporates to make money without any investments! Airports, Highways, Ports, Railway tracks, stations everything is up for grabs. Education is being privatised. PSU Banks are being merged and being prepared for privatisation. LIC, GIC are targeted for privatisation. Even 41 Ordnance Factories, producing defence equipment, have been turned into 7 corporations, prior to their privatisation, a patently anti-national move, affecting 80000 workers. The Government is eyeing huge tracts of land with defence, railways and so on. Pompous display of G-20 Presidentship, (which India got by rotation) as a World recognition of the PM, is sickening to say the least. Despite opposition from Central Trade Unions and ITUC, the Government went ahead to nominate their favoured union to head L-20.

While the Corporate taxes are being reduced, common people are being saddled with higher GST burden and higher user charges of almost all public utility services. The State Governments ruled by parties other than that at the Centre, are being starved of their share of funds, leading to non-payment of MNREGS wages, Scheme workers dues etc. Wilful bank defaulters and fraudsters are being invited for “negotiated settlements” while insuring only Rs.5 lakhs of the depositors. Rs 14.56 lakh crore have been written off by the PSU banks during last 9 years but this govt is not ready to write off the debts of peasants or to provide C2+50% MSP rates of their agricultural produce. National debt has climbed to Rs.153 lakh crores.

## The Results

As a result of these policies, mass-poverty has aggravated to a menacing extent, contracting

demand, continuously slowing down of the national economy, deindustrialisation and destruction of the country's industrial base, destruction of MSMEs, loss of self-reliance, increasing burdens on the overwhelming majority of our people. There is phenomenal increase of wealth and incomes of the big corporate class and impoverishment of the mass of the toiling people : top 10% and top 1% in India hold 72% and 40.5% of the total national income respectively while the share of bottom 50% has gone down to mere 3%. India is falling in all indices like hunger, poverty, child care, women safety, freedom of expression, human rights etc.

We are worried that our children are not getting jobs. Even government vacancies are not filled up, which is within their ambit. Many PSUs are being closed or sold to private parties, who immediately start "down-sizing", throwing several thousand workers out of employment. The contract workers have become major victims of job-loss and retrenchment. The health sector contract workers employed in govt. hospitals for fighting Covid are now being thrown out of their jobs even after promise of permanency. After Covid, when jobs are desperately needed to bring life back on track, factories are being allowed to close down even illegally, resulting in large scale unemployment. Under the pretext of Covid, railway concessions to Senior Citizens, Women, Differently-abled persons, Sports persons were withdrawn. The rural economy, based on the farming activity, animal husbandry etc are big contributors to the sustenance of vast majority of our rural population is being systematically crushed through price instability and uncertainty of sales.

The informality in the labour market of the country is increasing. Workers, predominantly women, take to self-employment and home-based trades to make two ends meet. Women comprise 33% of the agriculture labour force and 48% of the self-employed farmers in India. There are no laws/policies for facilitating, protecting and regulating self-employed workers and their trades. The condition of the migrant workers is deteriorating. There is no portable social security for them despite big claims of digitalization. The construction workers cannot avail of the social security despite huge cess collected

in BOCW. To make social security more effective, off-line registration and renewal of construction workers should be allowed and ESIC should be made applicable to them from cess amount. Even those registered under E-SHRAM portal are not provided any social security. All these sections rightfully deserve basic social security schemes like health care, life and disability insurance, old age benefit, maternity, child care and educational benefits. The State Governments should be tasked with trade specific schemes to improve the trades and skill of the workers. This will ensure formalization of informal trades.

## **The Federal Structure and the Rule of Law in Danger**

The actions of the Government at the Centre are against the federal structure of our nation: Governors, appointed by the Centre, openly act as agents of the Centre, making it difficult for the elected state governments to function, many elected state governments are overturned to install their own party governments, GST funds collected at the Centre are not shared with the State Governments, prompting them to go to the Supreme Court to claim their rightful dues! The party ruling at the Centre, is using its brute majority to overturn Supreme Court Orders (Case of National Capital Service Matter), reconstituting the 3-member committee that decides the Chief Election Commissioner and the other Election Commissioners: by replacing the Chief Justice of India by a minister of the ruling party and the PM and the Leader of the Opposition being the other two! Replacing IPC, CrPC and Evidence Act, ostensibly to do away with British era laws, but in fact making them even more stringent, increasing the jurisdiction of BSF in border areas from 5 km to 50 km.... the list is long.

## **Divisive Communal Policies**

But there is something even more ominous taking place: this Government and other state governments led by this party ruling in the centre, in order to sustain their regime of loot and plunder, have been overactive to cultivate poisonous communal-divisive polarisation in the society and divide the workers, farmers and the people in general to divert their attention from their burning issues and weaken



united struggles to benefit the corporates. This is being carried out with the active support of the corporate owned mainstream media and social media troll armies.

The continuing ethnic clash in Manipur leading to huge loss of lives and atrocities on women, recent communal clashes in Haryana (Nuh) and similar provocations in other parts of the country as well –are all engineered by the same divisive-polarisation oriented policy regime. Continuing atrocities on the most downtrodden sections of the society (incident of urinating on an tribal person in MP and two dalit boys in UP) and atrocities on internationally acclaimed women wrestlers, who raised their voice against their tormentor, the then President of Wrestling Federation of India, the premature release of Bilkis Bano's rapists last year are also brutal expressions of same divisive machinations on the society being engineered by the ruling-clique. And all those are aimed at tearing out and disrupting common peoples' united struggle against exploitation. What is shocking is that the Prime Minister keeps mum on all these incidents that shock the collective conscience of the Nation.

Writers, intellectuals, journalists, social activists and members of the opposition are being targeted on flimsy grounds only for criticising this Government with the help of government agencies such as the ED, CBI, NIA and through misuse of nefarious laws such as UAPA and Sedition Act etc. This is aimed to create an atmosphere of terror, to silence all opposition and dissent, and sabotage democratic processes.

The entire system of governance that promotes and sustains the loot and plunder of the people as well as the national economy, stands exposed.

### **Determined United Struggle Can Stand UP To This Ruling Clique**

The struggle of Samyukta Kisan Morcha has no parallel in the world. The Government had to take back their Farm Laws. Through our united struggles, the privatisation process in several PSUs like BPCL, CEL, some steel plants etc could be stalled, though only for the time being. Saving Vizag Steel Plant from privatisation has become people's struggle. The united struggle of the electricity employees,

in Maharashtra, UP, Puducherry, J&K, Chandigarh and Haryana forced the governments to retreat. Through their militant united struggles, the scheme workers in various states achieved many of their demands including increase in their remuneration. We must note here that all the so-called reforms in electricity sector being pushed through desperately by the Govt are aimed at ending the very concept of cross subsidy and role of the State in electricity sector to establish a regime of cost-reflective tariff regime which will spell doom in agriculture, MSMEs and make electricity unaffordable by mass of the common people.

### **What we are required to do**

The national economy should be protected from the malice of the systemic crisis of the neoliberal policies by putting more money in the hands of the common people who create our national wealth and keep the national economy running, by increasing the statutory minimum wages and expanding and universalising social security measures with government funding and other such measures, such as subsidy to farmers including agricultural inputs, the state-owned mandies, appropriate MSP etc are the measures necessary to address the distress among the farming community. This can be done by increasing taxes on corporates, rich and the Super Rich, restoring Wealth Tax, and Succession Tax. Even the Nobel-laureates are advising this.

What is required is to make the workers, farmers and the people aware that their real enemy, the cause for their miseries and the miseries of the nation, is the anti-national destructive policy regime being operated by the corporate-communal nexus in the governance at the centre. They cannot be expected to change their pro-corporate policies. They have to be ousted from power. Our joint and coordinated struggles are to be developed at such a height that no govt either at the Centre or States dare to impose anti-worker and anti-farmers policies. Working class and Farmers' movement is destined to discharge this task along with the people at large, leading from the front.

It is a stupendous task which will require each and every one of us to work tirelessly to turn our common experience into a message to common masses to turn

the tide against those in power who are pushing the nation and its people into unprecedented crises and destruction.

Keeping in view our past experiences of joint and coordinated struggles, of the platform of CTUs/Federations/Associations on the one hand and the united movement of Samyukta Kisan Morcha on the other, as well as our experience of supporting each other in the various programmes in the past, this Joint Convention of Workers and Farmers calls upon toiling people of our country to take joint and coordinated struggles to a higher level. We have to heighten our combat against the destructive policies of this government, both at the sectoral and national levels. The entire year of 2023 has to be a year of campaigns and combative agitations leading to higher forms of struggle at all levels.

**We commit ourselves to work jointly on the following Charter of Demands :**

- Control price rise, remove GST on the essential items like food, medicines, agro-inputs and machinery, reduce substantially central excise duty on petroleum products and cooking gas.
- Railway concessions to Senior Citizens, Women, Differently-abled persons, Sports persons, withdrawn under the pretext of Covid, be restored.
- Guarantee Food Security and Universalize Public Distribution System.
- Guarantee Right to Free Education, Right to health, water and sanitation for all. Scrap New Education Policy, 2020.
- Ensure housing for all.
- Stringent implementation of the Forest Rights Act (FRA); withdraw the amendments to Forest (Conservation) Act, 2023 and Bio-diversity Act and Rules that allow the union government to permit clearance of a forest without even informing the residents. Ensure land to the Tiller.
- National Minimum Wage of Rs.26000/-p.m.
- Convene Indian Labour Conference regularly.
- Stop privatization of Public Sector Enterprises, Government Departments and scrap National Monetization Pipeline (NMP). Amend existing law on mining of minerals and metals and ensure 50% share of profit from mines including coal mines for upliftment of local communities, especially Adivasis and Farmers.
- Withdraw the Electricity (Amendment) Bill, 2022. No pre-paid smart meters.
- Right to work be made fundamental. Fill sanctioned posts and generate employment for the unemployed. Expand and implement MGNREGS (200 days per year and Rs.600/-p.d. wage). Enact Urban Employment Guarantee Act.
- Increase subsidy to farmers on seed, fertilizers and electricity, legally guarantee MSP @ C-2+50% for farmers' produce and guarantee procurement. Prevent Farmers' suicides at all costs.
- Withdraw the pro-corporate PM Fasal Bima Yojana and establish a comprehensive Public Sector Crop Insurance Scheme for all crops, to compensate farmers for losses due to climatic change, drought, flood, crop related diseases, etc.
- Declare Comprehensive Loan Waiver Scheme to free all the farm households from the trap of indebtedness.
- Implement written assurances given by the Union government, based on which the historic Kisan Struggle was suspended : Memorial at Singhu Border for all the martyred farmers, pay compensation and rehabilitate their families, withdraw all pending cases, prosecute Ajay Mishra Teni, the Union MoS for Home.
- Withdraw four labour codes, Fixed Term Employment and ensure equality and safety at work. Stop casualization of labour. All categories of unorganized workers, such as Home-based Workers, Hawkers, Rag-Pickers, Domestic Workers, Construction Workers, Migrant workers, Scheme Workers, Agricultural Workers, Workers in Shop/Establishments, Loading/Unloading

Workers, Gig Workers, Salt-pan Workers, Beedi Workers, Toddy-tappers, Rikshaw-pullers, Auto/Rikshaw/Taxi Drivers, Expatriate Workers, Fishing Community etc. be registered and given portability in comprehensive social security, including pension.

- Give ESI Coverage to Construction Workers, with contributions from the Welfare Fund, also give coverage of health schemes, maternity benefits, life and disability insurance to all workers registered on E-Shram Portal.
- Ratify ILO Conventions on Domestic Workers and Home-based Workers and make appropriate laws. Make comprehensive policy on Migrant Workers, strengthen existing Inter-state Migrant Workmen (Regulation of Employment) Act, 1979 providing portability of their social security cover.
- Scrap NPS, restore OPS and provide Social Security to ALL.
- Tax the Super Rich; Enhance Corporate Tax; Re-introduce Wealth Tax and Succession Tax.
- Stop attack on core values of the Constitution – freedom of expression, right to dissent, freedom of religion, diverse cultures,

languages, equality before law and federal structure of the country etc.

## Nationwide Call of Action

Apart from working for the above demands, we resolve to appeal to all the workers and farmers across the country to come forward and participate in the following joint and coordinated actions in the coming days :

- a. Observe 3rd October 2023 (Lakhimpur Kheri massacre of farmers in 2021) as Black Day, demanding dismissal and prosecution of the alleged conspirator, the Minister of State for Home Affairs Ajay Mishra Teni. (The form of action will be declared later.)
- b. Organise Day and Night Mahapadav Struggle in front of the Raj Bhawans in the State Capitals of all the States and Union Territories, from 26 to 28 November 2023 (26 November 2020 had been the day of the All India General Strike by workers and the first day of the historic March to Parliament by farmers.)
- c. December 2023/January 2024 - Determined and Massive United Protest Actions across the country. (The form of actions will be declared later).

*Joint Platform of Central Trade Unions/ Federations and Samyukta Kisan Morcha* ■





# LABOUR SNIPPETS

September 2023

## Gangavaram Port Workers Protest

In August 2023, port workers of Adani Gangavaram Port at Vishakhapatnam organized a protest seeking an increase in the wages of contract workers to Rs. 36,000. Nearly 600 workers who took part in the protest stated that their salaries have not increased in the past 14 years and the workers have been experiencing economic hardships due to the same. These workers were employed in the port from the nearby fishing villages as part of the rehabilitation package when their lands were acquired to construct the port. However, the workers claim that those employees who were not hired as part of the rehabilitation package have a higher basic salary, whereas those hired under the package receive a basic pay of Rs. 3,700 with a maximum net salary of Rs. 18,000. The Port Employees Union have stated that those who were not active in the protest which has been going on for over 45 days have received an increment of Rs. 1,500. On August 17th, the police lathi-charged the workers to disperse them, and several police personnel were injured. The protest continues at the site of the port. ■



## Urban Company Workers Protest Job Losses

Workers of Urban Company across Delhi, Mumbai, Bengaluru, Hyderabad and Kolkata went on a nation-wide protest against the arbitrary

blocking of IDs, which is resulting in job losses, even when the workers are having to cancel orders for legitimate reasons of medical and personal emergencies. The workers also demanded elimination of multiple rating systems, lowering minimum rating threshold, fixing of hub area radius where partners are expected to travel for jobs, removal of automatic product scanning and ordering, one day holiday for workers, along with security net and taking consent from the workers before bringing in new rules, among other such demands. Several unions organising gig-workers stated that the workers must be provided with job guarantee, social security and a law to protect the labour rights of the gig and platform workers. ■

## Amazon India To Pay Severance To Workers

When the warehouse – DEL3 – an Amazon seller services facility in Sonapat closed down all of a sudden, hundreds of workers were rendered unemployed overnight. The facility did not provide an alternate employment nor paid the dues of the workers before closing down. These workers were employed through an agency. Despite all odds, the workers resorted to a mass protest which forced the facility management to pay severance packages. The workers' protest forced a powerful company such as Amazon, their principal employer, to ensure their rights are upheld. ■

## Heat Stress Poses Health Risks For Salt Pan Workers

A study titled 'Occupational Heat Stress and Kidney Health in Salt Pan Workers', conducted by Sri Ramachandra Institute of Higher Education and Research in Tamil Nadu has found that salt pan workers reported heat-strain symptoms. This contributed to a severe increase in heat stress levels, which included symptoms like sweating, thirst, dizziness, muscle cramps, headache,

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nausea/vomiting, fainting, prickly heat rashes, etc. About 93% of the workers reported these symptoms. This has impacted the heart rate, core body temperature, urine characteristics, sweat rate and kidney functioning of the workers. About 23% of the women stated that they could hydrate themselves better if the access to toilets is made better. The study recommended that the workplace needs to provide access to water, rest in shade, better sanitation facilities and awareness on hydration. ■

### **‘Trading Welfare Benefits For Higher Wages’**

A study conducted by ‘Quess’ on the aspirations of India’s informal economy post-pandemic, titled ‘New Collar Generation Report’ has found that 93% of the 4,000+ respondents in the study are willing to trade-off social security and healthcare benefits for higher wages. On the other hand, 97% of them agreed that they will have a better chance at improving their lifestyle and that of their families if they had formal employment or job security, as opposed to their contractual employment. However, about 80% of them stated that they expected their employers to provide them with ESI benefits. The study states that a majority of the workers are still without any social security coverage and aspire to move into an inclusive, secure lifestyle. ‘New Collar’ defines a generation of workers whose priorities and aspirations are converging with those of formal employees, and who value security and benefits over their daily wages. Informal workers are defined as the ones who do not have formal contracts, may or may not have financial inclusion and no social security benefits from their employer. ■

### **47% Workers Don’t Feel Secure In Their Jobs: Survey**

A study conducted by ADP Research Institute’s ‘People at Work 2023: A Global Workforce View’ has found that 47% of employees in India, which is a cause for concern. Workers in real estate sector, construction and related employments experienced highest levels of job insecurity, whereas workers in global media and information industry expressed a lack of job security, followed

by hospitality and leisure sector. Over 32,000 workers took part in the survey, wherein 60% of them indicated their willingness to consider working unpaid hours to enhance security of their jobs!

### **Nearly 6% Of Contract Workers Lost Jobs In March Quarter**

The Indian Staffing Federation, a body constituting 120 recruitment agencies across the country, stated that nearly 6% or 3,600 workers lost jobs between January and March 2023. A report by JP Morgan analysts said that soaring inflation, supply chain issues and the Ukraine war is expected to bring an end to the growth boom that the IT sector enjoyed so far, even through the pandemic. The unemployment rate in April rose to 8.11%, whereas 1,77,000 were added in 2022-23 financial year as compared to 2,30,000 in the previous financial year. With massive job cuts in the IT sector, especially of contract employees, this is a cause for concern. ■

### **Court Rules Against Uber, For Workers In California**

In 2019, Erik Adolph, an UberEats driver sued his company on behalf of a large group of workers seeking work-related expenses to be reimbursed to the workers. Adolph, in his petition, stated that UberEats drivers were misclassified as ‘independent contractors’, rather than employees. It is said that the drivers signed an agreement to bring their grievances into private arbitration. However, as per the Private Attorney General Act, a unique legislation in California that allows workers to sue for employment law violations on behalf of the State and keep one-quarter of any money they win, with the rest going to a state fund to enforce labour laws, the Supreme Court of California has ruled that nothing bars workers from pursuing claims on their own behalf in arbitration, while separately also litigating large-scale claims in court. This paves way for large-scale lawsuits against employers in California, and is a big victory for the workers. ■

# Battle Against Big 3: UAW Strike May Become A Redefining Moment for Labour Movement in US

★ VARUN KUMAR



Photo: Rebecca Cook

In an overwhelming majority, the United States based automobile trade union - the United Auto Workers (UAW) voted on August 25 to authorize a strike action against Detroit's big three automobile companies if they fail to offer a competitive contract by the time the current agreement expires on September 14. Ford, General Motors, and Stellantis, which had been facing rising productivity and profit for decades had refused to provide proper wages to the workers. The unions have decided that if they fail to rectify all work will be stopped on September 14. The strike action was approved by 97 percent of the 150,000 workers who are part of UAW. Their

demands for new contract include a 32-hour workweek and pay raises (Increase wages by 46% over four years) in conjunction with inflation. UAW noted that several workers were forced to work for grueling 10-hour shifts.

"I've been told throughout that we've set expectations too high. You're damn right we have, because our members have high expectations, and record profits deserve record contracts," said UAW President Shawn Fain at the rally. "As a union, we have to lead the fight for economic justice—not just for ourselves but for the entire working class."

As per the reports, the Ford, General Motors and Stellantis made a combined \$21 billion in profits

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in just the first six months of this year.

Another major demand is the end of two-tier system, a type of payroll system in which one group of workers receive lower wages and/or employee benefits than another for same work. It is a form of contractual system that we witness in India or several South Asian countries.

Furthermore, the union has demanded for establishment of a defined pension benefit for all workers, reinstatement of retiree medical benefits, ensuring the right to strike over plant closures, creation of a working family protection program and make all temporary workers permanent among others.

## **A Paradigm Shift in Working Class Movement in the US**

It is important to note that, though one of the biggest automobile unions in US, UAW had never engaged in any direct action or campaign in decades against the rampant labour exploitation in Big 3. The last major militant movement spearheaded by UAW was in 1930s and 1940s under the leadership of communists. The anti-communist McCarthyism or Red Scare of 1940s/ 50s and the Reagan administration's crackdown on the Professional Air Traffic Controllers Organization (PATCO) strike in 1981 severely weakened the militancy in the trade union movements.

Later, in the case of UAW, the union had not only refused to take ahead the demands of the working class, but several of the hard earned rights of the workers like the cost-of-living adjustment (COLA) were given away.

But in recent years, with the rise in militant trade union movement in the US and growing resentment among the workers led to a paradigm shift in the UAW, which was forced to revamp itself and move towards radical class movement. The election of Shawn Fain was one big step towards this.

"This is the first time in UAW history that the members saw what the union was asking for in negotiations," District 1 Director LaShawn English [told the crowd](#), drawing tremendous applause.

The call to strike action by UAW is being witnessed

at a time when the working class in the US are becoming more militant, breaking the chains of compromise that many union leaders had placed. The strike action will further solidify and strengthen the labour movement landscape in the country, a spectate that is haunting the corporates and the government. The ongoing Screen Actors Guild and American Federation of Television and Radio Artists (SAG-AFTRA) and the Writer's Guild of America strikes, a UPS strike authorization that resulted in a better contract, and a railway strike plan that thwarted by the government in December are some of the recent strike actions in the US.

"We used to be the industry standard when it came to contract negotiations and raises," said Jesse Ramirez, President of UAW Local 230. "Our wages were among the highest in all the industries, and we're pretty much down towards the bottom again... it's pretty disheartening to our members. For our members, that number one thing is raises. They really would like to see a double digit increase in their raises."

These all-strike actions are not just about the demands of fair pay and work hours, the working class is unanimously calling upon companies to ensure workers voices in the decision making, especially in the on-going rapid investment and deployment of new technologies, including Artificial Intelligence (AI) that will have severe impact on the workers.

The UAW is preparing all out for the possible and protracted strike action beginning on September 14. The union said that UAW Strike Fund would provide partial financial support to striking workers, who would lose their pay during the action.

The renewed thrust being witnessed in the militant labour movement in the US, along with the possible UAW strike can be a redefining moment for the working class in the country. Clearly, the old chains of compromise and collaborations with the capitalist bosses are being broken. Surely, the paths and outcomes of the UAW's proposed strike will have a major impact on the class struggle scenario in the US. ■

# *Transparency and Accountability,* **Not Apocalyptic Fear Mongering is the Key to Regulating AI**

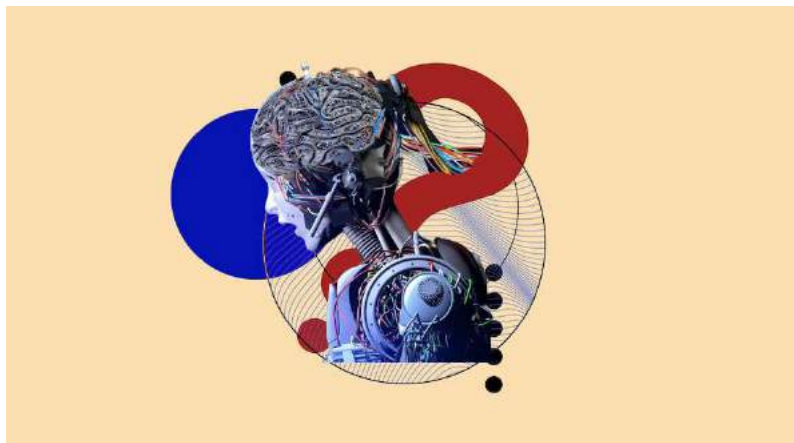
★ AISHIK SAHA

**T**wice now have we been warned by leaders of tech industries and AI luminaries that the technology they have created can inadvertently lead to dangerous outcomes that may imperil humanity itself. The recently released single sentence statement by the Center for AI Safety, signed by the likes of Sam Altman and Bill Gates, states that “Mitigating the risk of extinction from AI should be a global priority alongside other societal-scale risks such as pandemics and nuclear war.”

This comes following another open letter published in March after the release of GPT-4 by the OpenAI. The previous letter by the Future of Life Institute had called for a six month pause of the development of Giant AI experiments more powerful than GPT-4, and was signed by similar luminaries like Elon Musk, Steve Wozniak, and Yuval Noah Harari. The question is - are these fears warranted or do they distract from the real dangers of AI?

## **Real Harms in the Real World**

There are plenty of ‘real’ and currently existent harms that can be attributed to the development and use of Artificial Intelligence



as it exists currently. While not nearly the existential threat the previous petitions have led us to believe, the risks posed to marginalised individuals and communities are no less.

In 2021, before the ChatGPT hype brought LLMs into frenzied media attention, Dr. Emily M. Bender, Dr. Timnit Gebru, Angelina McMillan-Major, and Dr. Margaret Mitchell published a paper titled, [On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?](#), pointing out the neglected harms associated with LLMs.

First, they point out that the financial and environmental costs imposed in the process of training LLMs must be integral to the analysis. In particular they point out that the emissions and energy consumption, which are required for such training,

disproportionately harm the Global South / Majority World.

Second, they critique the training of models on expansive datasets that inevitably lead to safety risks that emanate from their uncurated nature. Contrary to a common assertion in the tech industry, the large size of the training datasets does not prevent racist, sexist, homophobic, and other discriminatory language and talking points from taking hold over LLMs. In her book *Algorithms of Oppression*, Safiya Umoja Noble also points out that the existence of bias in data leads to algorithmic discrimination against persons of colour, especially women.

Third, while LLMs lack access to ‘meaning’ of a text, results in simply churning out probabilistic responses to any

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input, including many of the harmful outcomes mentioned previously. Yet we find tech platforms waxing eloquent about the possible use of AI in content moderation, potentially further entrenching the same harms.

In the case of generative-image AI technology, concerns have been raised about them being trained by datasets [gathered without the permission from artists](#). Given the fact that many of those who earn a living by selling their artwork already suffer from the precarity and uncertainty of the market, legitimate concerns have been raised about their artwork being used unauthorised, without adequate compensation, often by some of the wealthiest companies in the world.

The close relationship between a number of founders and CEOs of [AI-oriented companies and the Far Right](#) has been well documented at this point. In the case of Clearview AI (which was used by Immigration and Customs Enforcement in the US), [the racist intentions of developing a powerful facial recognition technology](#) and collaborating with law-enforcement and anti-immigration authorities have always been there.

## Marketing Through Fear

Two of the so-called ‘godfathers’ of AI have presented themselves as Robert Oppenheimer-esque figures, who upon realising what their creation is capable of, seek

to spend the rest of their lives combating the same.

Dr. Geoffrey Hinton’s resignation from Google after a decade-long collaboration, during which he had been the recipient of the prestigious Turing Award, drew headlines as he seemed poised to campaign against the products of his own creation. Hinton’s fears are an amalgamation of a wide range of concerns including killer-robots and job losses in the services sector. His co-godfather [Yoshua Bengio also voiced](#) similar concerns, fearing that ‘bad actors’ could use AI towards harmful ends or even AI technologies could resort to such actions themselves.

In presenting AI as an enigmatic and unpredictable (though inevitable) form of technological development, Big Tech seeks to shield itself from responsibilities of the harms that are being noticed currently. At the same time, it presents any governmental intervention or attempts at regulation as a bureaucratic hindrance forwarded by an out-of-touch gerontocracy that cannot and does not understand the possibilities of technological advances.

AI itself needs to be understood as a marketing term rather than as a well defined set of technological developments. The fear of missing out on a critical piece of technology is weaponised in order to drive the uptake of anything that has been labelled AI, and tech

giants have utilised this fear to expand upon their own market share. Companies have been encouraged to retrofit AI into their technology, regardless of its applicability. In fact [monopolistic practices seem to be the driving force](#) behind the current hype. In other cases, the use of AI is being used to justify precariatization of workers by invoking the threat of obsolescence of labour.

The media has been effectively deployed as an unwitting ally in the generation of what is being termed an ‘AI hype’. Recent [reports of a simulation](#) conducted by the U.S. Air Force about an AI-enabled drone that “killed” its human operator is one such example. Another method of effectively fueling AI hype has been to claim that [China is swiftly](#) catching up (or surpassing) the US in AI.

Critics have called out many of [the ‘AI Doomers’](#) for essentially drawing attention away from documented and existing harms in order to promote fantastical and hypothetical dangers.

The impact of AI on the entertainment industry could be understood along similar lines. Streaming services initially offered freedom from traditional TV structures, allowing concise storylines in fewer episodes. However, production houses used this as a chance to exclude writers from the production process. In the past, writers collaborated with actors due to longer seasons, working around 35-40 weeks a



year. Today, production houses insist on finishing writing before shooting, resulting in only 8-10 weeks of work for writers and reduced pay.

News headlines often oversimplify the issue of AI potentially replacing writers and actors. It's essential to recognize that behind this lies a complex story of production houses and studios not fairly compensating their workers. While some companies like Netflix, Disney, and Sony are hiring AI specialists, there's no concrete evidence that AI can or will replace human writers and actors. However, employers may promote this idea to deter workers from fighting for their rights.

In recognition of this dangerous phenomenon, the Writers Guild of America (WGA) voted to go on strike in April over residuals from streaming media and demanding that "mandatory staffing" and "duration of employment" terms be added to their contract. When the Screen Actors Guild joined the strike in July, it marked the first time such a strike had happened since the 1960s, which were led by the then actor, and future US president, Ronald Reagan - who is known for the neoliberal austerity measures and anti-worker policies he introduced when in power.

## Towards Effective Regulation

Calls for a regulatory framework that governs AI have emerged from all quarters. OpenAI CEO

Sam Altman in his [congressional testimony called for a new government agency](#) with licensing AI models. Of course, a call for regulations could be an effective means of legitimising a grift. One must remember how Sam Bankman-Fried was a [champion of an 'effective' regulatory framework for cryptocurrencies](#).

However, when the Italian regulatory authority insisted that OpenAI comply with the European GDPR regulations, it decided to throw a minor tantrum, only complying with the regulations after a month. Antonio Casilli points out that this was "reminiscent of old-time television tycoons trying to rally the audience against law enforcement".

Effective regulation of AI cannot mean the appointment of a 'regulator', who can be then pushed around by Big Tech at will. A [report published by the AI Now Institute](#) provides an effective framework that goes beyond traditional policy recommendations. Reliance on Big Tech to lead the conversation on its own regulation will only serve to preserve their entrenched interests. We find 'checkbox' regulations that allow these companies to waive away all liability while taking no proactive measures to address the basis of harms.

Finally, it is crucial for the media (old and new) to cast a more critical eye in everyday reporting on the world of tech. Examining if the effectiveness of an AI tool

is what it claims to be, should be an essential component of journalistic inquiry rather than repeating verbatim the claims of founders and CEOs of these tech firms. Of course, in the age of algorithmically generated news articles, this level of complexity and reflexivity is easier said than done.

The Writers Guild of America is also opposed to AI-generated storylines or dialogue from being regarded as "literary material" — a term in their contracts for scripts and other story forms a screenwriter produces. Given that the production houses are likely to establish their own generative AI tools, they will be able to syphon off credit (and wages) from writers when they 'collaborate' with AI.

What the current juncture demonstrates precisely is how AI is likely to be wielded as an instrument in the service of capital and disciplining labour rather than an actual technology. It is crucial for us to remember that there is nothing 'inevitable' about AI. Instead, we have certain people with an entrenched interest in fuelling a speculative bubble, which can undermine workers' rights in the long run. The push for AI uptake has more to do with the industry requiring a steady stream of data input rather than any actual benefit conferred by these technologies. It is from this position that we need to be able to imagine collective bargaining. ■

# An Unjust Transition

*A Critical Evaluation of Conclusions on Just Transition in the 111th ILC*

★ N SAI BALAJI

The 111th session of the International Labour Conference (ILC) held in Geneva from 5th to 16th June deliberated on climate change along with other issues concerning the situation of decent work in the globe. The issue of climate change was dealt with from the perspective of changes in the nature of work in future. The deliberations were based on a report issued by the ILO named “Achieving a Just Transition towards Environmentally Sustainable Economies and Societies for All”. After deliberations in the concerned committee for Just Transition, conclusions on the same have been published by ILO. The present article looks into the perspective on climate change adopted by the ILO based on the above mentioned documents.

Climate change is a reality that can no longer be neglected by the global community. Extreme climatic events and displacement of millions of people, especially those forced to live in environmentally vulnerable regions, have become a harsh reality in front of us. It is a well-established fact that climate change that threatens the world today is an outcome of a profit driven economic system that has not only infringed on the limit of self-sustaining capacity of the earth, but also created massive inequality among



people. The impacts of climate change reproduce the structural inequality created by the same profit driven economic system. It is the economically and socially marginalised communities in the world that suffer the worst impacts of climate change today.

Thus, any corrective step aimed at reducing the impact of global warming and climate change must keep the issue of inequality at its core. As of now, the negotiations in international fora regarding climate change and the policy outcome are not based on Climate Justice but, are framed on furthering concentration of power and ownership over means of production that has resulted in climate change in the first place. The present article will enquire whether the ILO, the international forum concerning issues of the

working class, approaches the issue from the perspective of inequality or not.

## Are Solutions Prescribed under Just Transition the New Problems?

The concept of ‘Just Transition’ was first discussed at the 102nd session of the ILC in December 2013. This session adopted a resolution that called for sustainable development, decent work and green jobs. The ILO Centenary Declaration for the Future of Work, 2019, adopted by the ILC at its 108th (Centenary) Session, identified climate and environmental change as one of the drivers of transformative changes in the world of work. It directs the efforts of the ILO to “ensuring a just transition to a

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future of work that contributes to sustainable development in its economic, social and environmental dimensions.” The deliberations in the 111th ILC on ‘Just Transition’ is thus a part of the perspective being formulated by ILO on climate change.

Before going into an analysis of the discussions in the 111th ILC, it is important to mention that while inequality within nations has been recognised as an important factor to be considered while formulating policies, inequality among nations is glaring in its absence both in the report and conclusions formulated through the discussion. Despite several attempts by representatives of trade unions from the developing countries including left trade union representatives from India to raise historical inequality among nations as an important issue to be discussed, it has been omitted while formulating the conclusion. It is a scientifically proven and internationally accepted fact that the developed nations, most of which were industrialised early and had colonised major parts of the world, have contributed disproportionately in global Carbon Dioxide emission which is the primary cause of global warming and climate change. It is the development model invented and imposed by these nations that have unleashed a regime of reckless profit mongering destroying our environment and exaggerating inequality. Undermining of inter-country inequality by the ILO thus appears to be a part of the systematic eraser of the principle of Common

But Differential Responsibility (CBDR) in climate negotiations of United Nations Framework for Climate Change Convention (UNFCCC) Conference of Parties (COP). The process began at Copenhagen COP in 2009, that diluted CBDR principle with informal acceptance of voluntary emission reduction program for developing countries during the COP. The Paris COP in 2015 gave this change final ratification through Paris Agreement that removed compulsory emission reduction program for developed countries that got enforced through Kyoto Protocol in 1997 to voluntary emission program for both developing and developed countries. This in a sense is a systematic attack on historical responsibility principle.

Secondly, the report on Just Transition argues that transition to sustainable energy policies will positively impact the social, economic and technological interventions in developing countries. It mentions that the shift away from coal to wind, solar and turbine energy generation will create more jobs in countries like India than the coal-based energy sector. However, the risk involved in such a massive geographical restructuring of existing energy generation does not find the emphasis it deserves in the ILC documents.

The policies suggested by ILO for agriculture, transport and other sectors are fundamentally aligned towards altering existing technology. However, the question of ownership of the new

technology has been conveniently ignored in ILC documents. If ownership of the new technology is to be controlled by private corporations that have unleashed the regime of reckless destruction of the environment in the first place, does that count as ‘Just Transition’ at all? ILO doesn’t venture into this territory at all.

It is evident that climate change would exacerbate inequalities across the globe. The discussions in ILC pose the question of inequality in terms of potential social unrest. It is from this concern of social unrest that the ILO pitches for emergency steps to be taken to tackle the problem of climate change. It calls for immediate action, thereby only recreating and exemplifying the existing inequalities in the world. The idea of conflict is a driving factor for resolving and pulling countries into negotiations, rather than the quest for dignity, equity and public ownership.

### **Climate Negotiations: The Question of Just Transition and Politics of Finance**

In November 2022, at the 27th session of the UN Climate Change Conference (COP27), ‘Just Transition’ along with financing and deployment of technologies for halting climate change was discussed. Importantly, the Sharm el-Sheikh Implementation Plan affirms that “sustainable and just solutions to the climate crisis must be founded on meaningful and effective social dialogue and participation of all stakeholders”



and emphasizes that a “just and equitable transition encompasses pathways that include energy, socioeconomic, workforce and other dimensions, all of which must be based on nationally defined development priorities and include social protection so as to mitigate potential impacts associated with the transition”. The Parties also decided to “establish a work programme on [a] just transition for discussion of pathways to achieving the goals of the Paris Agreement.”

The history of climate negotiations and the promises it has made to people are a testament to the fact that the historic role of the first world in inducing climate change and its differentiated impact on global citizens are important factors to be considered in the battle against climate change. The 100-billion-dollar climate fund that was promised in Copenhagen COP in 2015 is yet to reach its culmination. Majority of this funding is promised in the form of loans. Similarly, it took 30 years of negotiations for the developed countries to accept a Loss and Damages fund at the last COP Sharm el-Sheikh, whose modalities are yet to be discussed and implemented. This only proves the hypothesis that the developed countries and the private sector that are responsible for this pollution do not want any overhaul of the existing economic system. Their dominant position in all international negotiations ultimately maintain the same economic and world order that has caused the present climate crisis.

The policy of just transition that the ILO speaks of is devoid of any fund commitments for transition. The necessity of fund is to compensate affected people by ensuring basic income, retrain work force for new job, ensure livelihoods and minimise losses due to transition. Jobs lost in labour intensive economic activities in third world that are supposed to be phased out in the process of ‘Just Transition’ cannot be the sole responsibility of the third world alone. The historic responsibility of the industrialised developed world must be brought back in the discussion of climate change. Financing for halting climate change must not be in the form of loans that pushes the third world further into debt trap, it must be in the form of financial assistance adhering to the principle of polluters must pay.

### **What are the Issues Countries Like India Would Face?**

The pressures on developing countries like India on phasing out coal for energy requirements as part of ‘Just Transition’ is riddled with questions of livelihoods and energy security. Countries like India are essentially dependent on thermal power plants based on coal for its energy requirement. Any change in the structure of energy production poses important questions about livelihood losses and access to affordable energy. The only alternative is to ensure that the alternative technology is cheaper, affordable and guarantees

employment generation. Any policy change in the arena of energy production that is devoid of this perspective can be called anything but ‘Just’ transition. As we saw in cases of ban on illegal mining in many places, the ban doesn’t accompany any rehabilitation package to the people dependent. If changes in energy production are to be implemented, it can not be devoid of a robust package of comprehensive rehabilitation for the people displaced. The omission of the question of rehabilitation of those displaced from their livelihood in the process of ‘Just Transition’ is glaring in the discussion and conclusion adopted by the 111th ILC.

### **The Politics of New Employment**

The ILC document suggests that women will be further marginalised in new jobs created through just transition as a substantial share of new employment in green sectors tend to be in male-dominated occupations.

While the document says that many new jobs will be created through technological changes in agricultural sector, what it does not mention is who will benefit from such gains. In countries like India, agricultural labourers form a significant part of the work force in farming sector. Drastic changes in agrarian technique are bound to affect them severely as they do not have any control over the means of production. The perspective of the discussions in ILC ignores

the impact of ‘transition’ to this section of workers.

The draft conclusions on ‘Just Transition’ prepared through deliberations in the ILC emphasises the role of private sector “as a principal driver of innovation, economic growth, and job creation and in the transition towards sustainable and inclusive economies”. The document also says “A well-funded public sector plays an equally important role.”. If the role of public sectors and governments are supposed to be restricted to funding and technological innovations are supposed to be led by private sector, history has taught us what shall be the fate of such a transition. The private sector operates with the sole motive of profit maximisation. Technological changes led by private sector will only accentuate

the problem of concentration of means of production in the hands of big corporations. Concerns for job loss in the process of transition does not fit in the arena of operation of the private sector. It is indeed unfortunate that the decision makers of ILO refuse to learn lessons from what private capital led neo-liberal policies have done to the world.

### **Conclusion: Ignoring Inter-Country Inequality Is No Reasonable Solution**

Industrial Revolution and successive policy regimes that have dominated the world thereafter have resulted in today’s climate crisis. Any reasonable solution to climate change has to keep this fact at the core of its rationale. Capitalism led development model that is driven by the idea of accumulation of

wealth and means of production in few hands has endangered the self-sustaining capacity of the earth. At international platforms, common but differential responsibility has been an accepted principle in formulating path for halting climate change. Unfortunately, in recent years the developed nations have been escaping from accepting this principle by diluting it. The discussions in the 111th ILC appear to be a part of that pattern. Any formula of transition that does not challenge ownership of new technology in the hands of private corporations is not aimed at achieving a just world. Nor is it a solution to the present climate crisis. Concerns of job loss, especially in the third world, must lie at the core of ‘Just Transition’ being prescribed by ILO. The discussions in the 111th session of the ILC lack significantly in that perspective. ■



## *Tamil Nadu:*

# Contract Workers of Neyveli Lignite Corporation on a Protracted Struggle for Justice

★ K GNANA DESIKAN

Neyveli Lignite Corporation of India Limited (NLC) is a central public sector undertaking established in 1956 under the Ministry of Coal, Government of India. The CPSU produces 30 million tons of lignite annually from open cast mines in Neyveli, the coal town of Tamil Nadu and Barsingsar of Rajasthan. It owns thermal power stations with an installed capacity of 3640 MW. Its estimated revenue for 2020 is 11,592.70 Cr with a net income of 1441.37 Cr and its total assets worth 53,488.13 Cr.

The CPSU has about 5000 permanent workers and 12000 contract workers. The bulk of contract workers are supplied through Indcoserve, an industrial workers cooperative society. There are many established unions among permanent workers and Labour Progressive Federation (LPF – an affiliate of DMK) is the sole bargaining agent, elected in the latest participatory union elections.

The contract workers are organised by Jeeva Contract Workers Union. The Jeeva Union has been spearheading a protracted struggle for years with the demands for regularisation of contract workers, equal pay for equal work, and other social security benefits.

The NLC is spread over 65,000 acres of land, which was acquired from farmers with an assurance of providing employment, alternative house sites and other benefits. However, the NLC management betrayed the promises and provided employment through Indcoserve, a contract agency, to a section of the people as contract workers. Even as contract workers carry out same and similar kind of work like permanent workers, they are paid a meagre wages and allowances. After repeated struggles, the contract workers were issued uniforms, shoes, safety equipments and provided with canteen facilities. As accidents are quite common in mines, the contract workers are prone to accidents. There have been several incidents of loss of limbs and lives.

However, there is a big disparity in the compensation for accidents involving permanent workers and contract workers.

In July 2023, the contract labourers raised a six-point charter of demands including regularisation of services, Rs. 50,000 salary per month until regularization, permanent employment to contract workers who gave their land to NLC. As the NLC management was not ready to look into the demands, the union served strike notice on 26 July. Thousands of workers gathered daily before the NLC gate to voice their demands. Apprehending law-and-order problems, the management of NLC approached the High Court of Madras for prohibiting the strike and protests.

As per the High Court direction, workers shifted the protest spot. The High Court further advised the NLC management to resolve the dispute amicably. As there seemed to be no solution at sight, the court proposed appointment of a one-man commission headed by a retired judge to look into the matter. In the meanwhile, striking workers resorted to indefinite fast. Some of the workers fainted and were rushed to hospitals. The District Collector intervened and called for a tripartite meeting with workers and the management. The Collector advised workers to call off the strike as the court had seized of the matter and also instructed the management not to resort to victimization of workers due to the strike. Accordingly, the union temporarily withdrew the strike.

### **Wrath of Farmers Against the Expansion of NLC**

NLC acquired thousands of acres of land during 1995 to 2006 for expansion. However, the acquired land was not utilised so far and the farmers continue to do their agricultural activities on the fields. NLC wanted to dig a canal and deployed earth movers

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to destroy the harvest ready standing crops. Irked by the NLC 's move, farmers assembled in huge numbers to halt the illegal and inhuman destruction of crops. The police and local farmers had a violent clash. Police resorted to lathicharge and burst tear gas shells. Four policemen were injured. Hundreds of local farmers who gave their land for NLC were arrested and remanded to custody. Responding to a PIL petition, the court ordered a compensation of Rs 40,000 per acre for the loss of crops and advised farmers not to engage in farming in the acquired land in future and condemned the NLC management for not fencing the acquired land.

Dr. Anbumani Ramadoss of Pattali Makkal Katchi (PMK) demanded the closure of NLC saying that it is hazardous to the environment on the one hand and its contribution to the state in terms of electricity production is also very meagre. He claimed that the electricity produced is distributed to various other states and raised concerns over the depleting water table due to mining activities.

NLC's expansion plans to excavate mines in various blocks of districts of the delta region of Tamil Nadu was earlier stalled by the then ADMK government fearing backlash from the people and declared the region as a protected agriculture zone under a specially enacted act.

In this backdrop AICCTU expresses solidarity with the union and demands :

- All contract workers be regularized, until then a salary of Rs. 50,000 per month be given, as demanded by contract labour union.
- Stop expansion of NLC at the cost of environment and agriculture.
- Immediate release of arrested farmers and dropping of cases framed against them.
- Time bound solution to other demands of contract workers.
- Appeals permanent workers to join hands with contract workers in their struggle for justice. ■



# IREF Struggles Against NPS

★ NN BANERJEE

**I**REF (Indian Railway Employees Federation) took the timely initiative in forming an all India “Front Against New Pension Scheme in Railways” (FANPSR) through a convention at RCF/Kapurthala and gradually, the national front became a popular platform for restoration of OPS (Old Pension Scheme) among the young rail workers who joined Railways in the year 2004 and thereafter. IREF led FANPSR along with NMOPS (National Movement for OPS) - primarily an organisation of state government employees, in general, and teachers, in particular, soon became a formidable force of the movement. Demanding immediate scrapping of the New Pension Scheme (NPS) set up under PFRDA Act, 2013, FANPSR along with NMOPS held a massive rally at Ram Leela Maidan, Delhi on 30 April 2018 followed by another mass meeting on 26 November 2018 at the same venue. Thereafter, four days Dharna (sit-in) was held at Jantar Mantar, Delhi from 28 January to 1 February 2019. Shaken up by the scale and strength of the demonstration across the country, the Modi government announced an increase in the share of government’s contribution from 10% to 14%.

NPS - Nijikaran Bharat Chodo Yatra (NPS - Privatisation Quit India March) has been jointly initiated by FANPSR, NMOPS and IREF on 1 June 2023 from Champaran, Bihar in Sonpur Division of East Central Railway. The march then covered states like Bihar, UP, Uttarakhand, Jabalpur in MP to Nasik in Maharashtra and ended with great enthusiasm. In solidarity with the yatra, the unions at RCF/Kapurthala and Patiala organised huge demonstrations at the factory gate.

The Ghanti Bajao (Ring Bells) programme initiated on 1 August 2023 concluded on 31 August 2023 in which IREF/FANPSR members rang the door bells of local MPs. 23 MPs have already responded and the remaining MPs would be appealed to raise the issue of NPS in the floors of the parliament. On 1 October 2023, a massive workers’ rally is scheduled at Ramlila ground against privatisation of Railways, for scrapping of NPS and restoration of OPS. Preparations are going in full swing to mobilise rail-workers for the programme. 15 zonal unions led by IREF are expected to mobilise workers in huge numbers. ■

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## Central Trade Unions Salute All ISRO Staff Who Made Chandrayaan-3 Possible

**T**he Platform of Central Trade Unions and Independent Sectoral Federations/Associations salutes the team of Engineers, Scientists, Communications Experts and so on, who made Chandrayaan-3 possible. Their undaunted work has opened up myriad of possibilities for India to forge ahead in many fields. As the story of Chandrayaan-3 unfolds, heart-rending stories of those who worked selflessly for the project emerge: Thousands of Engineers and Workers of Heavy Engineering Corporation (HEC), Ranchi, Jharkhand, a public sector undertaking, who have designed and manufactured the mobile launch pad and other important equipments that

made Chandrayaan-3 possible, have not been paid for the past 17 months! ISRO scientists and engineers have worked without any promotions

The communication that was crucial for Chandrayaan-3 project was handled exclusively by BSNL, another PSU, deliberately being strangled by the Central Government.

That the entire project was handled by PSUs is not surprising. In fact, the PSUs in India were established because their products (machinery) had a long gestation period, in which the private sector was not ready to invest. They wanted quick assured profits.



The story of HEC employees brings to mind the saga of ASHA and Anganwadi workers who worked selflessly during the covid pandemic, only to earn kudos as "Frontline Warriors" but no increase in their miserable monthly honorarium!

Will the Prime Minister be truthful to admit that it is the Public Sector that is the backbone of our nation - from bringing up healthy children to exploring the outer space! It is the PSUs which have been robbed of thousands of crores of rupees to erect huge statues, while starving the PSU

employees, getting all priorities wrong.

We demand that the Central Government immediately release the dues of HEC Employees as well as the promotions due to the engineers and scientific cadres at ISRO as well as at other units who played their significant role in this project as India celebrates their contributions.

INTUC , AITUC ,HMS, CITU, AIUTUC, TUCC, SEWA, AICCTU , LPF, UTUC, And Independent Sectoral Federations/Associations. ■

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### Eradicating the poor and feeding the rich







All India Central Council of Trade Unions

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