



WORKERS RESISTANCE

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INTERNATIONAL

1
May



WORKERS' DAY 2023

THE MAY DAY CALL!

THE COMPLETION OF A CENTURY OF THE INDIAN MAY DAY!

Intensify the Battle Against Rising Unemployment, Drastic Decline in Wages, Privatisation, Monetisation, Codes of Slavery and Draconian Laws!

Turn 2023 into a Year of Waves of Militant Struggles!

Defeat the Devastating Modi led BJP Regime in the 2024 elections!

Save Democracy and Save the Country!

May Day in 2023 marks the completion of a century of the first May Day in India, after 37 years of the sacrifice of Chicago workers in 1886. The first May Day flag was hoisted by Comrade Singaravelar at Marina Beach in Chennai on May Day 1923. May Day marks the day of sacrifice of the working class to secure 8 – hour work day (1886). The day became the day of the working class of the whole world because it was a day of declaration of war by workers for 8-hour work day which was subsequently won. But, this May Day marks the reversal of the hard won rights of the workers. In fact, the Prime Minister Modi wanted to give the anti-labour, Codes of Slavery, as a “gift” for the May Day 2023 by enforcing it from 1st April. But, because of ensuing general elections to the Lok Sabha in 2024, it was postponed fearing backlash of the working people and trade unions.

The instances of betrayals and attacks of Modi government on the working class are countless. In the name of Corona, the BJP passed all the four anti-labour legislations in

the floors of Parliament without any worthwhile debate or discussions. It's waiting for an opportune moment for its implementation throughout the country by a single stroke of a pen. In the meanwhile, all BJP ruled states have already started implementing its various aspects, including 12-hour work, women working in night shifts, removing vast majority of industries from the purview of any labour law by introducing a threshold level of workers strength of 300, etc. Even non-BJP ruled states are no exception. Most of them have already notified the central rules by the Modi government barring a few.

The BJP led union government has already accorded statutory status to National Floor level Wages which is around Rs 5000 per month. Now, they want to depress wages by making minimum wages as a non-mandatory category as and when the Codes are implemented. Even the states led by the opposition like DMK have introduced bills to exempt some industries or group of industries from implementation of the Factories Act, in order to comply with the demand of

corporate companies. The budget allocation for MNREGA scheme is being drastically slashed to push rural workers to rush to urban areas so as to facilitate availability of cheapest labour in abundance for the corporate class.

The well-known economist Mr Jean Dreze makes startling observations regarding drastic decline in the growth of real wages from 2014-15 to 2021-22. He says, “The growth rate of real wages between 2014-15 and 2021-22 was below one percent per year across the board: more precisely 0.9 percent, 0.2 percent and 0.3 percent for agricultural labour, construction workers and non-agricultural labour respectively”. In several states, real wages have actually declined in states like Haryana, Kerala, Punjab, Rajasthan and Tamil Nadu in the period mentioned above. In addition to employment, real wage is a major issue for a vast majority of workers. The under-employment, reduced wages, wage cuts, retrenchment, Lockouts, lay-offs and closures have become the order of the day. In some cases, they are used as a tactics to force workers to abstain from any protest. In spite of a rapid economic growth, the sluggish rate of growth of wages is a great concern and it only means that the disparity and poverty are growing phenomenally.

The gender based wage gap is increasing at an alarming rate.

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Women are being paid much lesser for the same and similar kind of work. Women are forced to work in night shifts without putting proper safety mechanisms in place, thus making them prone to sexual harassment and violence. The RSS proposed “constitution”, Manu Smriti, is asking women to confine to four walls of the houses. De-feminisation of workforce is being facilitated to take place at a rapid speed.

Restoration of Old Pension Scheme, basically a third benefit, is a major demand of workers of central and state governments. Whereas the Modi government is trying to scuttle the rising struggles of workers by enhancing the level of pension in New Pension Scheme, which is basically contributory in nature. The pension under EPS has not crossed Rs 1000, in most cases, in spite of relentless campaign and struggle by pensioners and trade unions.

The Modi government is aggressively selling all assets and properties of the government and the public sector to its corporate friends in the name of profit making. Even the infrastructures like roads, ports and airports are not spared in the name of monetisation. The colossus network of railways is being divided and sold out to the corporates, right from railway schools, hospitals to trains, tracks and stations. Modi government is on a selling spree.

The Modi government is evasive of its responsibilities while making social security, a mandatory duty of the industrialists and the government, an insurance scheme. In the name of providing social security benefits to unorganised

workers, the Modi government is only acting as an insurance agent while loudly crying that the ‘business is not the business of the government’. Welfare boards under various acts, including construction labour board, are being dismantled systematically. The social security schemes are being replaced by the mirage, e-shram, which offers nothing more than a death benefit of two lakhs and a permanent disability benefit of one lakh. e-shram is being pushed only to drastically cut down whatever meagre benefits hitherto offered by the welfare boards.

The Modi’s vision for 2047 is to create a workforce similar to gig and platform workers who are desperate and frustrated. This is a class of workers who are not entitled to get any legal protection like job security, wage security and social security from their employers. At best, they can buy an insurance scheme as per Social Security Code. This is the class of workforce Modi is dreaming about. After India assuming the presidency of G20, a working group has been formed to work on developing a workforce like gig and platform workers and on the sustainability of funds for their social security schemes. Industrial Training Institutes are being made as training centres for corporate companies. The funding and training modules are being synchronised with corporate needs. The teachers of ITIs are proposed to be trained by the same corporate companies. Such is the corporate loyalty of Modi, BJP and the RSS.

By making workers desperate and frustrated, the Modi government is looking for an environment and a workforce from among whom it can recruit foot soldiers for their

hate army. “Agnipath” is specifically designed to serve such a disastrous plan.

The Modi government’s model of development narrative of producing more jobs through more and more privatization and lakhs of crores of concessions and tax relief to corporates has only proved to be a big hoax and devastation. The country is facing highest rate of growth of unemployment and job-loss. A select few corporate houses led by Modi’s friends Adani and Ambani have amassed unprecedented wealth and have attained the status of the richest business houses in the world. This phenomenon is best exemplified by the fact that the biggest corporate empire owned by Adani family provides just around twenty thousand jobs. Hindenburg Report is an eye opener to the story of the way corporate houses are amassing wealth, particularly Adani. Adani is becoming richer and richer at the expense of people’s money, huge money, doled out by financial institutions like SBI and LIC.

The working class in the country is under multifaceted attack by the Modi government. The corporate stranglehold over the country is being tightened. The democracy, its values and its various institutions are being subverted. Even the judiciary is being brought into a network of the government. The BJP-RSS combine is bent upon sharpening communal polarization to feed its politics of hate. The RSS – BJP combine is leaving no stone unturned to foment communal hatred and venom, particularly targeting Muslims. The religious festivals are being used as theatres of Hindu majoritarian communal violence to harvest votes in favour

of corporate, communal fascists. Even the plight of migrant workers is being used to foment communal, nationalist hate and violence. The latest instance is the fake video of attack on migrants in Tamil Nadu, systematically and conspiratorially promoted and circulated by the BJP. The Modi government is shedding crocodile tears at the plight of migrant workers who were forced to walk thousands of kilometres without food, water and transport and subjected to unimaginable miseries and cruelty by the very same government in the name of Lockdown.

The working class should resolve,

in this May Day 2023, to decisively fight back such attacks of Modi government and its nefarious designs to divide and deceive the working people..

The working class must intensify its struggles manifold and simultaneously should build a strong and broader unity with other sections of toiling masses. Only the united struggles of the working class can reverse these attacks as was witnessed in the case of historic farmers' movement which forced the despotic Modi regime to repeal three anti-farmer black laws. We call upon the working class to further intensify

the ongoing movement against privatisation, contractualisation, unemployment, Labour Codes and accompanied draconian laws.

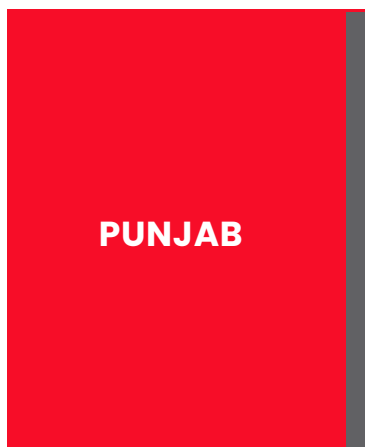
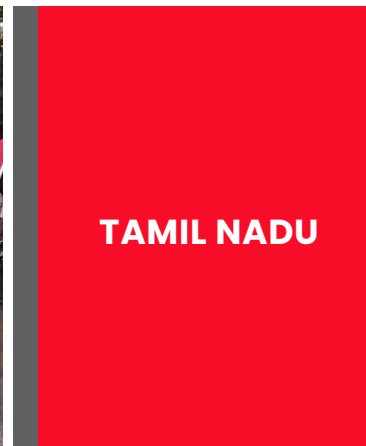
On this May Day 2023, the working class of the country should pledge to defeat Modi's BJP, in 2024 general elections, which is the foremost enemy of the workers of the country and also to save democracy and our beloved motherland.

Let us resolve on this May Day to accomplish the task of overthrowing the anti-worker, anti-people, anti-national Modi led BJP government!

Long live May Day!

- AICCTU ■

Glimpses of the May Day Events





BIHAR

ASSAM



WEST BENAGL

DELHI



May Day 2023:

INVOKING THE POWER AND SPIRIT OF THE WORKING CLASS IN THE BATTLE FOR LIBERTY, EQUALITY AND SOLIDARITY

★ DIPANKAR BHATTACHARYA

May 1, 2023 marks the centenary of May Day celebration in India. Internationally, the observance of May Day had begun in 1886 with widespread protests and strike struggles demanding an eight-hour limit to the work day. Following the Haymarket massacre in Chicago on 4 May 1886, the movement gained further momentum. The execution of a group of key leaders of the May Day movement on 11 November, 1887 only strengthened the resolve of the working class on an international scale. By November 1917, czarist Russia witnessed the world's first working class revolution and the waves of working class awakening reached colonial India too. The All India Trade Union Congress was formed in 1920, and in 1923 the first celebration of May Day took place in Chennai under the leadership of M Singaravelar.

As we observe the centenary of May Day celebration in India, we must recognise and uphold the working class movement in India as an important and integral part of India's freedom struggle, spanning both the quest for social emancipation and political independence. The communist movement of course grew on the basis of working



class assertion, but there were also many prominent leaders of the freedom movement outside of the communist camp who all contributed greatly to the advancement of the working class. Renowned Congress leaders like Lala Lajpat Rai, Chitta Ranjan Das, Jawaharlal Nehru and

Subhas Chandra Bose, all served as Presidents of the AITUC at different junctures. Way back in the late 19th Century Narayan Lokhande, a close colleague of Jyotirao Phule, initiated the trade union movement in Maharashtra along with a two-pronged battle against caste oppression and

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communal venom. Decades later, Babasaheb Ambedkar formed a new party called Independent Labour Party in 1936 and it worked unitedly with the Congress Socialist Party and the Communist Party to lead powerful struggles of tenant farmers as well as textile workers and secured major gains in terms of working class rights.

Today just as the other gains of the freedom movement - like the socialist secular democratic direction of the Indian Republic, the constitutional framework of rule of law, the social fabric based on communal harmony and cultural diversity, and citizens with rights - are threatened with fascist reversal, the gains made by the working class are also being systematically scuttled. The farmers have managed to get the three pro-corporate farm laws repealed, but the four labour codes replacing most of the erstwhile labour laws and rights are still hanging over the head of the Indian working class as the proverbial Sword of Damocles. Clearly, the working class has to fight hard as the farmers did and these struggles must go hand in hand with the larger battle for democracy like the battle for freedom in the colonial era.

May Day has historically been about the unity and dignity of workers. That continues to be the basic challenge facing the overwhelming majority of India's workers. Job security, safe workplace, living wage including equal pay for equal work and social security have to be the four cornerstones for the dignity and unity of the working class. The majority of Indian



workers are today denied all of these fundamentals. Hazardous job, unsafe workplace, precarious living and less pay for more work define the conditions of work and living for millions of India's contract workers, informal sector workers, sanitation workers, scheme workers and delivery workers who run much of India's service sector and digital economy. To strengthen the bonds of class unity among India's diverse workers the working class movement must address these basic strands of insecurity, indignity and inequality.

Some other dividing walls need also to be pulled down to weld India's scattered and divided workers into an all-India class. Caste, which Ambedkar had identified as a system of 'division of labourers', continues to fragment the working class. A conscious and consistent anti-caste direction alone can help foster class unity and overcome caste-based oppression and exclusion. Patriarchy plays a similar role

in relation to women workers, subjecting them more often than not to gender-based prejudices and adverse discrimination, if not outright exclusion and harassment. Working class unity must also overcome communal and linguistic divides and the conflict between local workers and outsiders.

The working class movement has been witness to the destructive blows that have been relentlessly inflicted by the Modi government and the Sangh brigade on India's economy, society and democratic polity in the nine years of the Modi regime. With only one more year to go before the decisive 2024 elections, May Day 2023 beckons the working class to join hands with every other section of Indian society and diverse streams of protest in a concerted and determined bid to save India and Indian democracy from the ravages of fascism.

ML Update Editorial [Vol. 26, No. 19 ; 2-8 May 2023] ■



Internationalist solidarity:
the weapon of the working class

We refuse to pay for their crisis

Stop imperialist blockades
and economic wars



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INDUSTRIAL ESTABLISHMENTS AND PRIOR PERMISSION: SHOULD NUMBER OF WORKERS INCLUDE CONTRACT WORKERS?

★ AVANI CHOKSHI



In 1976, a very contentious amendment was made to the Industrial Disputes Act, 1947 [hereinafter referred to as the ID Act].¹ This amendment incorporated Chapter V-B in the Act, which requires the management of any industrial establishment where over 100 workers are employed to take prior permission of the government before laying off workers, retrenching workers or closing down. A number of states have amended the base number of workmen for applicability to 300 workmen, and this is also sought to be done in the new Labour Codes that are being brought in. But an unresolved issue of legal significance for the industrial working class is whether for the purpose of counting 100, or 300 as the case may be, only permanent workmen on the rolls of the

establishment are to be counted, or whether contract workers too would be liable to be counted towards applicability of the Chapter and requirement of prior permission.

In view of the increasing contractualisation and informalization of employment, the answer to this question will have a significant impact on the rights of workers across the country. This article will elaborate on how the only legally sound answer is that all workmen working on the premises of the establishment, including contract workers, must be included in calculation of this figure.

Section 25-K (1) of the ID Act reads as follows:

“25K. Application of Chapter VB.- (1) The provisions of this Chapter shall apply to an industrial establishment

(not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months.”

One of the main rules of statutory interpretation is the literal rule, where courts seek to interpret the law literally, in terms of the literal meaning of the words employed in the law. At the outset, use of this rule shows that the section does not require for the workmen to be employed directly by the employer of the industry. This is in contradistinction to provisions such as Section 25F (pre-conditions for retrenchment in industries not covered by Chapter VB) which states that “No workman employed in any industry who has been in continuous

[1] Industrial Disputes (Amendment) Act, 1976 [Act 32 of 1976]

service for not less than one year under an employer shall be retrenched by that employer until...". Hence, while 25F contemplates employment under a particular employer the 25K does not mention by whom the workmen should be employed. In this view of the matter, all workmen working in the establishment should be counted. The emphasis being on the preposition "in", a literal interpretation would cover all workmen working in the premises, though they may be employees of a different employer (the agency/contractor).

Not only this, Section 25L(a) of the ID Act defines "industrial establishment" as a factory as defined in the Factories Act, 1948, a mine as defined in the Mines Act, 1952, or a plantation as defined in the Plantations Labour Act, 1951. For the purposes of factories, the Factories Act defines a 'factory' as **"any premises including the precincts thereof** - (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on". Hence, a factory refers not to the employer, but to the **premises**. Again, this indicates that all workmen including contract workers, would be counted. Interestingly, the definition of worker under the Factories Act

specifically includes persons employed through contractors.²

Apart from the literal rule of statutory interpretation, even other rules lead to the same answer. The rule of purposive construction allows the court to interpret a law keeping in mind the purpose of the legislation, and to further the said purposes. Another rule of statutory interpretation is the Mischief Rule, where judges seek to interpret law while keeping in mind the mischief sought to be prevented by the passage of the law. The Statement of Objects and Reasons of the 1976 Amendment Act noted that "There have been many cases of *large-scale lay-offs, particularly by large companies and undertakings. Cases of large-scale retrenchment as well as closures have also been reported time and again. This action on the part of the management has resulted in all-round demoralising effect on the workmen. In order to prevent avoidable hardship to the employees and to maintain higher tempo of production and productivity, it has become now necessary to put some reasonable restrictions on the employer's right to lay-off retrenchment and closure*"³ When this purpose is kept in mind, it would only further the purpose if all workers were included in the calculation of number of workers. Moreover, if only permanent workers were included in the calculation, then the mischief sought to be redressed by the 1976 amendment would continue, and managements would further reduce the number of permanent workmen and increase contractualisation to evade liability under Chapter VB of the Act, further increasing informality and exploitation of workers.

Lastly, and perhaps most importantly, is the rule of beneficial construction of welfare legislation, which requires the court to liberally construe the law to give the benefit of any grey areas to the party in favour of whose welfare the law was enacted, or workers in this case. Hence, to ensure social justice to the mass of workers who are increasingly losing labour security, it is vital that all workmen be included in the calculation of number of workers under section 25K.

Surprisingly, there has been very limited interpretation of this question, and it appears that only the Bombay High Court has gone into the question in depth. In fact, in the year 2000, the current Chief Justice of India, soon after his elevation to Bombay High Court was found in favour of including all workers in the establishment including contract workers on the basis of the definition of 'worker' under the Factories Act.

Due to a divergence of views, the matter was referred to a division bench. In the order of the Division Bench in Dyes and Chemical Workers Union v. Bombay Oil Industries Ltd. and Ors. [(2001) ILLJ1252Bom], it was found that for the purpose of computing the number of workmen while considering section 25K of the ID Act, contract workmen could not be considered. However, this is legally incorrect. The Court proceeded on an incorrect assumption that if contract workers were included for the purposes of section 25K and thereby Chapter VB, they would also be required to be extended the benefit of section 25F, and could

[2] Section 2(l) of the Factories Act, 1948

[3] As quoted by the Supreme Court in *Workmen Of Meenakshi Mills Ltd vs Meenakshi Mills Ltd*. [1994 AIR 2696]

claim retrenchment compensation / issue notice against the principal employer. However, as detailed above, Section 25F uses the words ‘under an employer’ which escaped the notice of the Division Bench. Moreover, the court relied on judgments that a workman is one who is employed, and hence, must have a jural relationship with the principal employer. However, even a contract worker is a workman for the purpose of section 2(s) under the contractor, in case of a genuine contract. Hence, there is no difficulty whatsoever in including them while calculating the number of workmen under Section 25K.

The said decision of the Division Bench of the Bombay High Court came to be appealed before the Supreme Court. However, during that time, the workers involved in the case accepted settlements, and the case was disposed on grounds of the compromise. It was brought to the notice of the Supreme Court that the issue, i.e. *“whether for the purposes of computing the number of workmen while applying Sub-section (1) of Section 25K of the Industrial Disputes Act, 1947, contractors workmen, mathadi workers and workmen of other industrial establishments are liable to be included”* was of significance. In this context, the Supreme Court noted that though in the light of the compromise the matter did not survive, it held *“the matter is of general importance, which will ultimately have to be resolved in some other case. We accordingly dispose of the appeal and leave the question open to be decided in an appropriate*

*matter.”*⁴ Hence, the point of law has been left open by the Supreme Court and is yet to be resolved.

Interestingly, in another judgment, the Madras High Court has noted that *“for the purpose of 25K, it is not merely permanent workers who are to be taken into account but all the workmen employed on an average working day in the preceding twelve months.”*⁵ However, the issue was not considered in detail.

The entire issue deserves to be given quietus by finding that for the purpose of the applicability of Chapter VB, all workmen working in an establishment including contract workmen should be considered. It may be kept in mind that Supreme Court has held that the system of contract labour is nothing but an improved form of bonded labour.⁶ It also held that contract labour is nothing but a new technique of subterfuge adopted by employers in recent years in order to deny the rights of the workmen.⁷ In this context, any other restrictive interpretation that would promote further contractualisation cannot be accepted.

In a fundamentally unequal relationship between workers and management, a balance can either be created through strong unionisation or through state intervention. The Indian Government took the route of ensuring some level of protection through regulation of rights of workers through a number of statutes like the Minimum Wages Act, Payment of Wages Act, The Factories Act etc. The Government

is now working towards substantial dilution and deletion of these regulations and minimisation of state intervention, in favour of ‘ease of doing business’ of companies. Even the judiciary has played a significant role in this – most memorably in the SAIL judgment that effectively eviscerated the right of contract workers to seek for abolition of contract labour by holding that even if so abolished, the workers would not have any right to be considered permanent.

What are the consequences of such a deregulatory policy? Dr. BR Ambedkar clarified that the argument that minimisation of state intervention would leave liberty must be tempered by asking – to whom and for whom is this liberty? He argued as follows:

Obviously this liberty is liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages. This must be so. It cannot be otherwise. For in an economic system employing armies of workers, producing goods en masse at regular intervals some one must make rules so that workers will work and the wheels of industry run on. If the state does not do it the private employer will. Life otherwise will become impossible. In other words, what is called liberty from the control of the state is another name for the dictatorship of the private employer.” ■

[4] Maharashtra General Kamgar Union v. Indian Gum Industries Ltd. (2008) 3 SCC 127

[5] Judgment dated 16.05.1995 of the Hon’ble High Court of Madras in Management of Cholamandalam Software Ltd. v. Presiding Officer, I Addl. Labour Court, Madras [W.P. No. 3133/1993]

[6] Sankar Mukherjee And Ors vs Union Of India [AIR 1990 SC 532]

[7] Bhilwara Dugdh Utpadak Sahakari S. Ltd. Vs. Vinod Kumar Sharma and Ors. [AIR 2011 SC 3546]

RESIST BLINKIT'S SUBSTANTIAL REDUCTION OF THE PER-DELIVERY PAYOUT TO ITS WORKERS!

★ ABHISHEK

For years now, Delhi has been witnessing a stark rise in the frequency of app-delivery workers riding their bikes to deliver a range of goods from daily essentials to delicious meals in the 'blink' of an eye. The app-companies, whether it be Swiggy, Zomato, BlinkIt, Dunzo or Zepto, conveniently advertise a content delivery 'partner' bringing smile to the customers' face. However, what lie under the veil of the glowing signboards and spectacular ads are arbitrary and authoritarian diktats, miserable working conditions, possibilities of fatal accidents, lack of any security or welfare measures or legal protection from retrenchments in the form of blocked IDs and a growing discontent among the gig workers. The recent incident of the never-ending saga of arbitrary moves by these companies comes from BlinkIt. It is an irony of our times that while Swiggy-Zomato-BlinkIt-Zepto-Dunzo, among others, are making fortunes worth millions of US dollars riding on the back of their delivery workers, the living and working conditions of the delivery 'executives' continue to exacerbate. Furthermore, every six months or so, the payout per delivery for the workers is revised and reduced to a lower pay scale that impoverishes them further and forces them to put in more hours to make ends meet.

Similar is the case with 'India's last minute app' Blinkit. The BlinkIt,

having amassed a whopping Rs.2616 crores in revenue in the financial year 2022, has resorted to a drastic reduction of the rate card for its delivery workers from Rs. 50 per delivery to an abysmally low Rs.15 to further reap profits denying workers dues. It amply proves that the rate of exponential multiplication and growth of these companies are achieved by cutting down the wages of delivery workers. To put it in other words, the rate of profit and growth of these companies are inversely proportional to the wages of workers. It is the same delivery workers whose tireless labour generates a huge profit for companies are the same people who are being denied even a dignified life. As a result, the workers are left at the mercy of the indiscriminate profit hungry companies. The workers were constantly and collectively voicing their opposition for several months against the bogey of the name 'delivery partners'. Under the guise of this name, delivery partners, they are not even recognised as workers and are denied applicability of various provisions applicable labour laws. They were demanding ESI, EPF, bonus, gratuity and legal protection against retrenchment. For almost a week, the discontent of the workers caused these delivery app-stores to remain shut down as they demanded immediate end to the injustice.

In complete solidarity with the gig workers, App Karmchari Ekta Union

(AICCTU) called for a Twitter Storm #StandWithBlinkitWorkers on 16th April against BlinkIt's high-handed move to revise the rate card of its workers. This call was supported by gig workers across the country and saw a spirited participation from students, social activists and civil society members. In addition to this, App Karmchari Ekta Union (AICCTU) reiterated and vehemently asserted long-standing demands of workers in the gig economy. Recognition as workers, all social security benefits, job security and other legal protection were their major demands. Further, AICCTU also demanded the companies and the government to ameliorate the miserable working conditions. Advocate Ritwik, convener of the said union fiercely warned the companies and the government to stop trampling upon the most exploited workers. He said, "the tactic of using fancy words such as "partners" and "executives" to deny workers of their due rights and forcing them to work under semi-bonded conditions stands exposed and we shall ensure that the struggle of the BlinkIt workers reaches its logical conclusion. Workers create the wealth of these companies and it is time that they recognize it and treat them as humans with legally mandated rights."

Long live the Right to Unionisation!
We shall fight, we shall win! ■

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LABOUR SNIPPETS

Chennai Fisherfolk protest against illegal eviction



The Madras High Court directed for eviction of fish stalls in Marina Loop Road, Chennai on the ground of traffic. Subsequently, police and corporation personnel unilaterally and illegally evicted the fisherfolk without prior notice, gravely impacting their right to life and livelihood under Article 21 of the Constitution. The workers have been on protest against this illegal eviction. ■

Blinkit workers in Delhi strike against reduction in delivery payment from Rs.50 to Rs. 15



Despite massive revenue of Rs. 2616 crore in the financial year 2022, last minute delivery app reduced the per delivery fee of workers from Rs. 50 to Rs. 15, resulting in mass strikes by workers. These workers have to face poor conditions, risk of fatal accidents and lack of social security, and are deprived of their rights to dignity and wages. Due to the protest of the workers against the reduction in per delivery fee and also seeking social security, Blinkit stores have remained shut.

AICCTU approaches Ministry of Labour and

employment against the shifting of Central Labour Department away from city centre!

AICCTU issued a representation to the Secretary, MoLE, after the office of the Deputy Chief Labour Commissioner (Central) was shifted away from Parliament street, New Delhi to Dwarka, causing immense hardship to workers due to the difficult and time-consuming commute. We have sought for the office to be shifted back. Even in Karnataka, a few years ago, the Central Labour Department and CGIT was shifted to the outskirts of the city, causing immense difficulty in accessibility to workers. ■

Delays in reference of dispute to adjudication

Despite the mandate under the Industrial Disputes Act, 1947 upon the government to refer dispute for adjudication upon failure of conciliation if the Government is of opinion that any industrial dispute exists or is apprehended, there have been a number of delays in this process. The Supreme Court has held that the process of reference is only administrative. However, delays in reference are placing a very real bar in the access of justice to workers, and are empowering managements to commit further unfair labour practices. In this regard, AICCTU has written to the Secretary, MoLE ■

Supreme Court holds that Government Employees cannot claim overtime pay as per Factories Act, 1948

The Supreme Court recently held that government employees cannot claim double wages for overtime work as per Factories Act, 1948 by holding that they enjoy other benefits over and above labourers under the Factories Act. The Court termed that the claim “an attempt to get the best of both the worlds” and held that the service rules did not give for any scope for claiming double overtime allowance. ■

ASHA and MNREGA Workers go unpaid in UP

Asha workers [Accredited Social Health Activists] have not been paid their wages for over 4 months in

Uttar Pradesh. Their wages are a measly sum of Rs. 2000 a month, due to this amount being termed as 'honorarium'. Despite their substantial contribution to rural healthcare, the workers are denied the label of workers, the right to minimum wages, and now, even earned wages. So too, as much as Rs. 313 Crore MNREGA wages are pending in Uttar Pradesh, and workers have not been paid since January in various regions. ■

Regressive anti-workers Factories (Karnataka Amendment) Act, 2023 passed by Karnataka Government

The Amendments brought in by the BJP Government in Karnataka increase the daily working hours from the present 9 hours (including an hour of rest) to a maximum of 12 hours, subject to a total of 48 hours in a week. By allowing industries to increase daily working hours from 9 hours to 12 hours a day, the Karnataka Government has reduced workers to machines and even denied them wages at the overtime rate, which they would have been otherwise entitled to. Further, the Amendment increases the permissible overtime work from 75 hours per quarter (25 hours overtime per month) to 144 hours per quarter (48 hours overtime per month). Although the amendment says that such change can only be with the consent of the workers, it is an established fact that there is no space for consent in a relation of employer and workmen, which is a highly unequal relationship. Workers are most often forced to accept the terms of the management or threatened with dire consequences, which could even include termination.

The Amendment also allows women to work night shifts in factories, which was previously prohibited. The deletion of prohibition against employment in night shifts is nothing more than an extension of exploitative practices against women workers. In the name of freedom, women are compelled to work in the night. Consent taken from women workers to be employed at night would be nothing more than an unfree choice, thus a travesty of justice. ■

Strike by Largest Public Sector Union in Canada

Over one and a half lakh government workers across sectors in Canada went on strike in respect of the

failure to adequately increase wages of workers, in view of the substantial rise in cost of living in the country. The workers are represented by their union - Public Service Alliance of Canada (PSAC). Workers say that due to inflation, the actual basket of goods that they can afford has dropped substantially, and if the wages are not increased, in reality, workers' actual wages have been cut. Workers state that the demands for wage hikes would not even amount to any increase in fact, but would only allow for workers to keep pace and afford the same basket of goods. One of the reasons for the ability of the union to mobilise such a large number of workers for strike is due to low unemployment rates leading to scarcity of substitute workers. ■

Nationwide protests in France protesting amendment to pension rights



On May Day, 2023, workers burned effigies of President Macron in huge protests in France. They faced tear gas from police while protesting against the pension changes, that were announced in 2022 by Macron. The result of the changes would be an increase in retirement age from 62 to 64 years. Not only this but by 2027, workers would be required to make contributions for 43 years instead of 42 years to be entitled to full pension from government. As a result of this, some workers would be required to work till 67 years.

While the proposals were unpopular in themselves, the government faced further massive popular outrage when it deployed Article 49.3 of the French Constitution to pass the reform in the lower house of parliament without a vote in an undemocratic manner. Reports state that over two thirds of the country appears to oppose the so-called reforms. ■

SCHEME WORKERS STORM STREETS ACROSS THE COUNTRY DEMANDING THEIR RIGHTS

★ SHASHI YADAV, SAROJ CHAUBEY, ATUL DIGHE, GEETA MANDAL, VIJAY VIDROHI AND MAHENDRA PARIDA

The past few months have witnessed vibrant struggles of scheme workers throughout the country. While this section of workers effectively run primary health and child care and other welfare schemes for the government, they have been denied of their basic rights of workers. The scheme workers constitute a significant section of the workforce in India and their strength being around 1 crore. It can be comfortably said that more than 95% of the scheme workers are women. Thus, denial of working class rights for scheme workers is a blatant show of discrimination against women workforce by the present government.

The scheme workers in the country have been organising inspiring struggles for their rights and dignity for last several years. They have achieved several important victories in the course of their struggle.

While the BJP uses all public funded welfare schemes and renames them for the propaganda of their own party, the labour of the scheme workers remain criminally unpaid for.

Scheme workers organised under the banner of AICCTU played a major role in organising these protests. Here is a report of the protest of scheme workers from different states.

Vibrant Demonstration of ASHA Workers of Bihar in Patna

The ASHA workers of Bihar have been betrayed for long by both the central and state governments. The foot soldiers of primary health services in the country, the ASHA workers, found no mention in the central government's Budget, 2023. On the other hand, Tejaswi Yadav, who had promised justice for ASHA workers during the last assembly elections, is the Deputy Chief Minister as well as the Health Minister of Bihar right now. Yet, the demands of

ASHA workers for dignified wages, social security and recognition of their rights are still ignored.

The ASHA workers of Bihar are thus legitimately angry with the ruling dispensation. They expressed their frustration with the present government on 21st March, 2023 when thousands of ASHA workers marched on the streets of Patna holding banners of their demands. The march reverberated with slogans like, "We want monthly salary, not allowance", "We want our legal rights as workers" "One thousand means nothing, wages no less than 21 thousands per month", "Declare ASHA and Facilitators as health workers", "Ensure pension for scheme workers", "Guarantee retirement benefit of at least 10 lakh rupees" and "Immediately disburse dues of Pandemic Work". The march started from Gardanibag area of Patna under the banner of Bihar Rajya ASHA Karyakarta Sangh that is affiliated to AICCTU and Karmachari Mahasangh (Gope). Leaders of ASHA workers union such as Shashi Yadav, Vidyapati Pandey, Kavita Kumari, Sunaina, Shabnam and Sabya Pandey led the protest march of ASHA workers. Other leaders of the Karmachari Mahasangh (Gope) like Rambali Prasad, Premchand Sinha, leader of Mid Day Meal workers movement Saroj Chaubey and AICCTU leader Ranvijay Kumar also addressed the protest gathering of the ASHA workers. CPIML members of the Legislative Assembly of Bihar, Mahboob Alam, Satyadev Ram and Mahanand Singh spoke in solidarity with the demands of ASHA workers. They said that the demands of ASHA workers are legitimate



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and the government must heed to their demands. The CPIML MLAs not only have regularly voiced their support for the demands of ASHA workers inside the Bihar assembly, but also intervened demanding the office of the Chief Minister and the Bihar government to fulfil the demands of ASHA workers. They said that the ASHAs are the backbone of the National Health Mission. But the Modi government does not bother to ensure the rights of workers to these frontline workers; rather it is busy in facilitating scams for the likes of Adani.

Mid Day Meal Workers of Bihar Hold United Demonstration in front of Bihar Assembly

Thousands of Mid Day Meal (MDM) workers of Bihar demonstrated in front of the Bihar Assembly on 3rd April demanding a monthly salary of at least Rs 21 thousands and other rights of a worker. Mid Day Meal scheme holds important significance in providing basic nutrition to school going children in the country. Those who run this scheme in Bihar are forced to survive on a meagre honorarium of Rs 1650 per month. These workers are forced to work in undignified work conditions because the government refuses to acknowledge or recognise them as workers with accompanied legal rights. Without any security of jobs, these workers are forced to work under a constant threat of retrenchment.

While addressing the protest demonstration, Saroj Chaubey, the General Secretary of the Bihar Rasoiya Mahasangh (affiliated to AICCTU) said that the Modi led central government has blatantly betrayed the Mid Day Meal workers of the country. The central government has not provided any fund allocation to increase the honorarium of the MDM workers. She asked how these workers are supposed to run their families with such a pittance despite working whole time. She added that the Modi government has changed the name of MDM scheme to Pradhan Mantri Poshan Yojana to claim credits for the already existing nutritional scheme for school going children. In fact, by renaming the already existing scheme, the Modi government has reduced the time span of operation of the scheme to five years, whereas this scheme was originally envisioned as a permanent scheme for school going children in the country. This has generated a huge sense of insecurity of jobs among the existing workers. Saroj Chaubey brought

out the fact that neither have the MDM workers been paid the pandemic allowance nor have the families of deceased workers (who died on duty due to Corona) been paid any compensation.

Meena Tiwari, the General Secretary of the All India Progressive Women's Association (AIPWA) addressed the protesting workers and said that the government is clearly trying to escape its responsibilities of ensuring the due rights for millions of women workers in the country by outsourcing the MDM scheme to NGOs and other agencies.

The Union that held the joint demonstration of the MDM workers submitted their 16 point charter of demands to the Bihar state government. The main demands of the protesters included recognition of MDM workers as government employees, guarantee of at least Rs 21 thousands per month as wages, guarantee of pension, ESI, PF, provision of uniform of at least four cotton sarees in a year, withdrawal of outsourcing of MDM scheme and other rights.

The Bold Assertion of ASHA Workers Challenging the Bulldozer Raj of Yogi Adityanath in UP



The state of Uttar Pradesh is becoming increasingly infamous for the disastrous Bulldozer Raj of Yogi Adityanath. All voices of protest in UP is being dealt with arrests and crackdown by the government on the one hand and with violence and killings by the communal fascist forces. And this fascist model of governance is being projected as the ideal model for the country by the BJP led central government. But the governance by instilling fear and crackdown is unable to dampen the spirit of ASHA workers of Uttar Pradesh. They have been consistently raising their voice for their rights under the banner of

Uttar Pradesh ASHA Workers Union (affiliated to AICCTU).

Thousands of ASHA workers held demonstrations at different dispensaries, health centres, block development offices and district headquarters. ASHA workers from forty six districts of the state participated in these protests.

The Chief Minister of Uttar Pradesh, Mr Yogi Adityanath himself promised a monthly honorarium of Rs 6700 along with incentives for extra work for ASHAs and Rs 11,000 as monthly honorarium for facilitators along with incentive for extra work. However, the reality is that not only has their honorarium not been increased, but also their incentives due for the extra work are pending for months together. The UP government had given low quality mobile phones to ASHAs as 'gifts' for the hard work of taking care of primary health care in the state. In fact, ASHA workers are being forced to feed data and fill up form for Ayushman Card with these low quality mobiles without proper network in rural areas of Uttar Pradesh. The 'gift' has turned out to an extra burden on the low paid, overworked ASHA workers. The ASHA workers regularly face sexual harassment and sexist comments in their work places. But till now, the government has taken no step to ensure any redressal mechanism. The Uttar Pradesh ASHA Workers Union has time and again intimated the government about the massive scam of Rs 1.50 Lakh Crores in the disbursement due to ASHA workers between 2019 and 2022. Till now, no enquiry has been set up to look into the day robbery of hard earned money of ASHAs.

The ASHA workers of Uttar Pradesh are undeterred by the betrayal of the government. They have been rightly pointing out that ASHAs are not volunteers but are de-facto regular workers as recognised by the 45th and 46th Indian Labour Conferences. They are demanding their legitimate rights such as dignified monthly wages of not less than Rs 21,000, ESI, PF and Pension. In case of any delay in extending such wages, they are also demanding, at least, a monthly allowance of no less than Rs 21,000 per month till their services and wages are regularised.

It is the ASHA workers of Uttar Pradesh who have developed an exemplary model of unity and assertion of women workers exposing the false claims of

women empowerment by the ruling dispensation.

Massive Protest of Mid Day Meal Workers of Jharkhand in front of the Jharkhand Vidhan Sabha

On 15th March 2023, the Mid Day Meal workers of Jharkhand held massive demonstration in front of the Jharkhand assembly demanding implementation of the agreement between Jharkhand Rajya Vidyalaya Rasoia Sangh (affiliated to AICCTU) and the Minister of Education for Jharkhand. The government has not yet fulfilled the agreement made with the union on 14th December, 2022 in the name of lack of budget allocation for the scheme. The demonstration was held during the budget session of Jharkhand assembly demanding budgetary allocation for fulfilling the agreement made by the government. The main demands raised by the protesters are -

- The Mid Day Meal workers must be paid a honorarium of at least Rs 7,500 per month from April, 2023. The monthly honorarium must be subsequently increased to Rs 21,000 per month.
- The Mid Day Meal workers services shall be regularised and they must be recognised as government employees.
- All rights of workers including maternity leave must be granted to the Mid Day Meal workers.
- Dignified service conditions for Mid Day Meal workers must be determined and implemented.
- The Mid Day Meal workers must be paid for all twelve months instead of only 10 months in a year.
- Pending dues for five years must be disbursed immediately.
- Roll back the outsourcing of Mid Day Meal scheme to NGOs that might cause massive retrenchment of the existing Mid Day Meal workers.

Anganwadi Workers of Maharashtra Strike Back

Showing an exemplary unity of the working class, around 2 lakh anganwadi workers of Maharashtra held strike and a massive demonstration at Azad Maidan demanding increase in the payment and other rights as workers. The Anganwadi workers united under the banner of Maharashtra Rajya Anganwadi Kriti



(Sanyukt) Samiti started their strike from 20th February onwards. AICCTU was a major constituent of the joint platform of struggle along with other left, socialist and independent trade unions. The strike continued for eight days and culminated in a massive demonstration at Azad Maidan in Mumbai. The major demands of the movement was to increase the payment to Anganwadi workers, guarantee of pension at the rate of fifty percent of payment, disbursement of gratuity according to the verdict of the Supreme Court and recognition of Anganwadi workers as government employees.

The massive protest of Anganwadi workers forced the government to invite representatives from the joint platform for a dialogue with the Chief Minister, Deputy Chief Minister and Minister of Women and Child Development. After several rounds of talks, the government agreed to increase the payment by Rs 1700 per month for Anganwadi workers and by Rs 1100 per month for facilitators. The increase in payment has already been implemented. Monthly allowance is raised to Rs 10,410 per month for Anganwadi workers, Rs 5841 for facilitators and Rs 7484 for mini Anganwadi workers. The government has also agreed, in principle, to ensure pension for the workers.

The strike and protest of the workers were called off on 28th February after negotiation with the government. But the unions are determined to continue the struggle till all rights are achieved along with dignified wages for workers.

Joint Demonstration of MDM workers before Odisha Assembly

On 13th March 2023, thousands of Mid Day Meal (MDM) workers held demonstration before the Odisha assembly. The demonstration was organized by five central trade unions, namely AICCTU, CITU, HMS, AITUC and AIUTUC.

The MDM workers, who come from the most downtrodden families and from villages, face the worst form of exploitation. Around 1,60,000 MDM workers are engaged in Odisha for last twenty years. When the MDM scheme started, they were receiving a honorarium as low as just Rs. 100 per month. But due to sustained movement on various occasions, the MDM workers are now getting Rs 1400 per month today. Even this amount is far less than the mandated minimum wages in the state.

As we all know, the Modi government has formulated a policy of closure of schools in the name of merger. Odisha is one of those states that are mostly affected due to the closure of government schools. More than 14,379 schools are closed and thousands of MDM workers are thrown out of their job, thus denying their life and livelihood. The government has not taken any steps to ensure their right to work and against the illegal massive retrenchment. At the same time, the state government is outsourcing MDM scheme to private agencies and SHG (Self-help groups) causing further threat of retrenchment to the existing MDM workers. In addition, the Odisha government has not paid the increased honorarium to MDM workers for the last two years in spite of several struggles and High Court orders.

A memorandum with 16-point charter of demands was submitted to the Education Minister during the protest. The delegation comprised of Mahendra parida from AICCTU, Bishnu Mohanty from CITU, Debasis Ghosh from AITUC, Sanjukta Mahal from HMS and Jayasen Meher from AIUTUC. The demonstration was withdrawn only after the minister promised payment of arrears of 28 months, enhancement of wages from Rs 1,400 and provision of ESI and PF facilities.

The movement of the MDM workers will continue with the demand for wages of Rs 26,000 per month, recognition as government employees, withdrawal of labour codes and halting the school closure drive. ■



INTERVIEW WITH NIRMALA M, PRESIDENT OF THE BRUHAT BENGALURU MAHANAGARA PALIKE POURAKARMIKA UNION

★ INTERVIEW BY PADMA

Nirmala M is the President of the Bruhat Bengaluru Mahanagara Palike BBMP) Pourakarmika (Sweepers) Sangha (Union), which is affiliated to the All India Central Council of Trade Unions. She is also the Karnataka State President of the All India Progressive Womens Association (AIPWA). She is originally from Bidar, Karnataka. Prior to her joining the BBMP Pourakarmikas union she worked in Karnataka Farmers Association. She worked in Mahila Jagruti after moving to Bengaluru where she fought for women who had faced sexual harassment and survivors of rape and acid attacks. As a strong leader of the union she is known for her powerful speeches when attacking the Karnataka government for its apathy towards the hardworking workers who keep the streets clean across Bengaluru and the rest of the state. I have met Nirmala on my several trips to Bengaluru, I was struck by her gentle and humble demeanor which always reflected compassion and commitment for her fellow workers.

I asked her the questions in English which were translated into Kannada her mother tongue.

1. How many sweepers are there in your union? What is the gender and caste composition?

There are 5000 Pourakarmikas who are members of the Union. More than 90% of them are women and almost all of them belong to the Dalit community.

2. Your union has organized militant struggles for several years for the sweepers in the city. In 2016 your militant struggles led to increase in wages and in 2017 after a successful struggle and several strikes, contractors were removed and direct payment system was brought into effect. Could you tell us a little more about this and if it improved the situation for the workers?

Pourakarmikas (Sanitation Workers) are performing this work, not out of choice. This is a caste ordained occupation. They are almost entirely from the Dalit community and almost 90% of them are women. Earlier there was the contract system. Workers have worked for more than 2 to 4 decades. The contractors would change, but the workers would remain the same.



Pourakarmikas work under extremely harsh conditions from early morning to late afternoon. They sweep the streets with short brooms, collect rotting garbage, sometimes carcasses of dead animals and other waste with their bare hands, clean open drains, and do door-to-door collection, etc. For this they were paid meagre wages with no benefits whatsoever, and also had no security of tenure despite having worked for over three decades as contract Pourakarmikas. The work performed by them is extremely hazardous and causes great harm to their health. Under the contract system, workers lived under great fear and were constantly threatened with termination. Since most of them and Dalit women, they face the triple oppression of caste, class and gender.

However, they overcame this fear to unionize and it was through their concerted struggle that the contract system was brought to an end, and ensured that changes

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have been made in their working conditions.

In 2016, their wages were merely about Rs. 5,000- Rs. 6,000. Many of the workers did not even have their ATM cards with them, and the ATM card was kept in the possession of the contractor who would use it and pay them money in cash. It is in this atmosphere of great exploitation that the Union was formed.

In 2016, there were several protests and we had gheroaded the Labour Department, after which they increased the minimum wages. From about 5,000 – 6,000, the wages were increased to Rs. 14,040/-. This was a big victory for the workers.

In 2017, there was a 3-day strike after which the Government agreed to remove the contract labour system and bring the workers on direct payment, under which the workers would directly be paid by the Municipal Corporation. However, when they brought in the direct payment system, they brought it in for those who were sweeping the streets, but left those who were driving and working on the waste transportation vehicle out of this, and retained those workers under contract. That has resulted in workers who are working as drivers and loaders in waste management transportation vehicles under the contract labour system, and they remain highly exploited. We continue to fight for the removal of the contract system and for these workers to also be made permanent.

Our organizing and fight has been not only for economic demands, but also for dignity. Since this is a caste-ordained occupation, and the workers are almost entirely Dalit women, the fight for dignity is very core to our work. Workers are subject to untouchability, not given drinking water, and didn't have basic amenities. For instance in one case, 10 pourakarmikas were subject to sexual and physical violence and casteist abuse by the contractor. It was through this fight that not only was a criminal case registered against the contractor, but this because the first sexual harassment case in the Bangalore Municipal Corporation. In fact, it was after this case, that the Internal Complaints Committee for Sexual Harassment was set up in the BBMP.

Workers face casteist and classist behaviour on a daily basis, and our fight has always been against this, on a daily basis. If workers ask for water to drink, they are given water in the bathroom jug. They are not even given a glass. They are told that they cannot touch

the gate. Every day, untouchability is practiced. We fight against this on an everyday basis. Let me give you an example.

Workers are called and often given leftover food from the homes, where they pick up the garbage. We have always said, we won't take leftover spoiled food. We reject this practice. One of the leaders of our Union, Com. Nanjamma was called by a lady when she was picking the garbage and given a plastic packet with cold spoiled food in it. Com Nanjamma asked the lady, whether she had children, and the lady told her she had a son who would come home. Com Nanjamma returned the packet to the lady and told her, when your son comes heat up this food and give it to him, we don't take leftover food. The fight for dignity and respect is an everyday affair. We have taken the stand from our Union, if any person speaks rudely, or doesn't give respect, we will not collect the garbage from their homes. We conduct regular area level rallies that if anyone treats us disrespectfully, we will take action against them.

Our fight has always been that with economic justice, there must be social justice. Our fight is for dignified working and living conditions, permanency, fair wages, the annihilation of caste and the emancipation of women.

3. In July 2022, Pourakarmikas across Karnataka went on a strike for 4 days demanding permanent jobs with the slogan "Equal Pay For Equal Work" highlighting the significant differences in pay and benefits for permanent workers versus the vast majority who had been contract workers for decades. Promises were made by the government and the strike was called off. Several months passed and the promises were not kept. How did your union respond?

In 2022 July, from 1st to 4th there was a 4 day strike of sanitation workers across the State after which the government agreed that they would make all the Pourakarmikas permanent. This written assurance was given by the Government.

After this, we continued with our struggles demanding that the assurance of the Government be kept to. In November, 2022, we had a State Level Convention where we put forward that until all workers were made permanent, we would continue the fight. In the convention, we resolved that we would continue our fight for the annihilation of caste, against caste

discrimination, for the emancipation of women from exploitation and harassment and for all workers to have dignified working conditions.

4. On February 27, 2023 there was huge protest by the union as the Government issued an order to make only 3673 workers permanent out of a total of 16,000. You called off the strike after the Government assured you that all the workers would be made permanent. Is it too early to celebrate?

There are about 15,000 Pourakarmikas who sweep the streets in Bangalore. However, the Government issues a notification calling for 3673 posts, leaving out about 11,500 Pourakarmikas. Protesting against this move to divide workers and demanding that the Chief Minister keep to his assurance, there was a 2 day strike before the Bangalore Municipal Corporation. The file for the approval of permanency for the other Pourakarmikas was pending before the Chief Minister. It was after this 2 day strike that the Chief Minister approved the same and the notification was issued in regard to the other workers.

We believe that it is only through constant struggle that rights are achieved. If the Government fails to keep its assurance, we will once again take to the streets. There is no backing down. We will continue our struggle till fair and dignified working conditions are achieved.

4. You have faced the challenges of the triple oppression of caste, class and gender in the Indian society and have worked hard to become the president of a militant union that represents some of the most exploited front-line workers in Bengaluru. What is your advice to young people who are working for economic and social justice?

We are in a very grave situation. Violence against women is on the rise. Caste atrocities are on the rise. Inequalities are on the rise. Its important that youth come forward to take up foundational issues of inequality to strive for a society that is just and equal. Babasaheb Ambedkar showed us the way - Educate, Agitate, Organize. People are the only force that can bring a change in society. There is no short-cut. It is only through organizing and agitating for our rights that we will be able to build a society that is equal, fair and humane.

(A version of this interview was first published in The Awakened, Spring, 2023) ■



EXPOSING THE ANTI-LABOUR THRUST OF KARNATAKA GOVERNMENT

As Karnataka approaches elections, here is a close look at the anti-labour policies adopted by the incumbent Karnataka government:

1. Impact on lives of workers during the COVID-19 pandemic:

During the COVID-19 pandemic, lakhs of workers lost their jobs, weren't paid wages for the periods they had worked, and were pushed into utter penury. The government failed to ensure the provision of basic necessities, including food, to these workers and gave rise to a situation where migrant workers were forced to walk hundreds of kilo metres to their homes. Moreover, the government sought to amend laws to the detriment of workers, by increasing working hours and reducing minimum wages.

2. Pushing Away Workers from the Protection of the Law:

The government promulgated the Industrial Disputes and Certain Other Laws (Karnataka Amendment) Ordinance, 2020, in July 2020, raising the threshold level to 300 for the applicability of various laws and pushing lakhs of workers outside the protection of the law.

While the law previously prohibited termination in establishments employing more than 100 workers without government permission, this minimum threshold level was increased to 300. This pushed workers in establishments with less than 300 workers outside the protection of the law.

The Factories Act, which provided health and safety measures in factories with more than 20 workers, was amended to increase the threshold from 20 to 40, placing those units with less than 40 workers outside the law, denying them basic rights of health and safety.

The Contract Labour (Regulation and Abolition) Act, 1970, was amended to increase the threshold from 20 to 50 workmen, placing establishments with less than 50 workers outside the protection of the law, thus denying them the most basic rights including wages, equal pay for equal work, restrooms, among others.



This law brought in the form of an ordinance, in the middle of the COVID-19 pandemic, was a blow to the democratic processes and the basic rights of workers.

3. Increase in working hours:

In 2023, the Karnataka Legislature passed the Factories (Karnataka Amendment) Act, 2023, which increased the daily working hours from the present 9 hours to 12 hours, taking away the most basic right of workers to an 8-hour work day. While world over, the discussion is of reducing the number of working hours, the BJP government has chosen to increase the working hours.

Several studies have linked 12 hour shifts to negative impact on general health, including problems with cognitive anxiety, musculoskeletal disorders, sleep disturbance, and stress.. A report showed that these amendments were brought in due to the lobbying of Apple and its manufacturing partner Foxconn.

4. Lifting prohibition on night-shift for women:

The Factories (Karnataka Amendment) Act, 2023, allows employers to engage women to work night shifts in factories, which was previously prohibited. The deletion of prohibition against employment in night shifts is nothing more than an extension of exploitative practices against women workers. In the name of freedom, women are compelled to work in the night. Consent taken from women workers to

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be employed at night would be nothing more than an unfree choice, thus a travesty of justice. Moreover, women workers are being pushed into a situation where they are made vulnerable to harassment, tortures and sexual violence when proper safety mechanisms are not put in place.

Several studies have also found that night shifts result in several health issues for workers, including even increasing the possibility of cancer in workers who work night shifts, and the effort must be to reduce night shifts across gender.

5. Betrayal of the assurances made to sanitation workers:

After a four day strike in July, 2022, the Chief Minister assured pourakarmikas / sanitation workers that all of them would be made permanent and that the contract system would be completely abolished in solid waste management, with drivers and helpers being brought on direct payment within 4 months. However, even 9 months later, the promise remained unfulfilled and the government has betrayed the pourakarmikas on the assurances made to them.

6. Reduction in minimum wages of dyeing and printing, silk and textile industries:

In a first, the government reduced the minimum wages payable in dyeing and printing, silk and textile industries by Rs.130 per day thereby pushing the workers into penury even as these industries continue to make extremely high profits. The wages notified for the garment industry, a highly profitable export-oriented industry, was also marginal and less than that of other industries.

7. Failure to ensure the rights of workers and criminalization of workers seeking rights:

Workers at Wistron, which manufactures iPhones at Narasapura Industrial Estate in Kolar district, were forced to work in 12 hour shifts, women were forced to illegally work in night shifts, while not being paid wages properly in highly exploitative working conditions. In December 2020, workers protested seeking basic rights when their grievances were not heard. However, instead of addressing their grievances, hundreds of workers were arrested and the government defended the actions of the company. ■

EXEMPTION FOR INDUSTRIES TO IMPLEMENT THE LAW OF WORKING HOURS!

WITHDRAW SEC 65 A OF TAMIL NADU AMENDMENT TO THE FACTORIES ACT 1948 FORTHWITH!

★ **KG DESIKAN**

The ruling DMK led state government of Tamil Nadu has inserted a section 65A to the Factories Act 1948 in order to pay heed to the wishes of industrialists and big corporate companies, and thus doing a great injustice to the working class in the state.

While DMK government is succumbing to the interests of the employers, why is it not considerate to the demands of the working class?

Is the working class of Tamil Nadu

being victimised in order to serve the whims and fancies of the employers?

Ignoring the walk out of the opposition parties by its own coalition partners in the legislative assembly, the amendment was passed, in less than a minute, by voice vote. None was given prior information about the amendment and no debate was allowed on such an amendment with far reaching consequences on the lives of crores of workers in the state. By

this amendment, the applicability of sections 51, 52, 54, 55, 56 and 59 of the Factories act 1948 is being exempted for certain industries or a group or category of industries.

8 hour work-day is a hard-earned right of the working class secured through fierce battles with the capitalists of the world. In the course of the historic struggle for 8 hour work-day, several workers leaders were put behind bars and had to undergo inhuman torture and repression. Several leaders

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became martyrs in the struggle. The right for 8 hour work was secured only by shedding blood and by sacrificing several lives of workers and their leaders. Even comrade Singaravelar was exiled for forming union and for hoisting flag for the first time in the entire country in Chennai. 8 hours of work, 8 hours of recreation and 8 hours of rest has been an accepted norm of any civilised society. In the background of vociferous demand for 6 hours of work per day due to massive improvement in technology and changes in production systems, this amendment to increase the working hours to 12 hours per day is only turning the wheels of the history backwards. 12 hours work is synonymous with a barbarian society and is highly condemnable.

The employers' associations, while welcoming the amendment said, It is very useful to the foundry industry. Foundry industry is where workers have to work in very hot, hazardous and dangerous conditions amidst melting iron ore which is affecting their health very badly and actually requires reduction in working hours. Foundry industry is also prone to frequent accidents.

Least cared for the existing mandatory right of 8 hours work, IT industry is highly exploitative with extended hours and can conveniently use this amendment to further their exploitation. When most of the workers are not at all covered under the ambit of trade union membership, it is ridiculous that the DMK ministers of Tamil Nadu say that such an exemption will only be based on the choice of workers. The voice of whole working class of Tamil Nadu is to withdraw the amendment lock stock and barrel. Because of the

POST-SCRIPT:

After the bill was passed, leaders of the central trade unions called for a joint meeting and expressed their resolve to fight it back. The DMK led LPF was conspicuously absent in the meeting. The meeting came out with a series of programs including a state level strike on May 12th.

On receiving the information, a team of Ministers met the trade union representatives including AICCTU. Subsequently, the Chief Minister of Tamil Nadu announced that the amendment is "put on hold" for the time being.

Welcoming the gesture by the Chief Minister, the trade unions insisted for a total withdrawal of the amendment. Finally, the DMK came around and announced complete withdrawal of the amendment on 1st May.

The workers struggle and the unity of trade unions have been successful in forcing the DMK government to withdraw the anti-labour amendment in Tamil Nadu. Similarly, the working class of the country is now gearing up for total withdrawal of anti-Labour Codes which has declared a war on the working class, including 12 hour work-day.

enabling acts, the system of bonded labour and child labour are under control. If it is left to a choice, only an anarchy can prevail. That is why Dr. Ambedkar said, we have to cultivate the constitutional morality among people.

It is not that 48 hours per week, the hard won right is 8 hours per day!

The amendment is being carried out in violation of section 39(e) of directive principles of the constitution which talks about the need to protect the health of the working population. The amendment is against the basic tenets of social Justice. Social Justice cannot only be limited to reservation, it encompasses all rights - economic, social, cultural and political rights of working population.

The provisions for exemptions are already engrained in the Factories

act in section 65 (1), (2) and (3). The inserted new amendment 65 A is aimed at not making exemptions to a rule but only to make exemptions to be a rule.

The great visionary Singaravelar observed the first May day in India at Chennai in 1923 marking the struggles and sacrifices to secure the right for an 8-hour work-day. Unfortunately, the amendment by the DMK government is being brought in only to undo the century long struggles launched from the soil of Tamil Nadu.

AICCTU appeals to the Chief Minister of Tamil Nadu to immediately withdraw the anti-labour amendment. AICCTU also calls upon the workers of Tamil Nadu to continue the struggle independently and also jointly with other Central trade unions until the anti-labour amendment is withdrawn. ■

BIG TECH LAYOFFS: ANOTHER CAPITALIST CRISIS?

★ AISHIK GHOSH

In the two decades since the burst of the ‘Dot-com’ bubble in 2003, big-tech had yet again become the primary location for speculative investments by major capitalist entities. The tech industry has boasted of its near constant and exponential growth over the past decades, demanding and receiving preferential treatment from governments around the world.

Major tech companies like Facebook (now Meta) and Amazon actually nearly doubled their workforce when the pandemic started. In fact, big-tech firms registered record profits during the early stages of the pandemic with Microsoft, Apple, Amazon, Facebook, and Google registering a combined revenue of 1.2 trillion USD.

These revenue figures did not materialise out of thin air. Instead we find that these same companies had spent over 20 million USD in total lobbying in the first half of 2020 in order to determine where governmental spending on pandemic relief would be spent. Unsurprisingly a large number of tech companies (often with shared institutional investors as the major tech firms) were recipients of loans from pandemic funds.

The Crisis

Many of the CEOs of the companies have released their statements regarding the layoffs, primarily in order to get ahead of the news cycle and assuage investor confidence in the viability of their firms, which



provide their own rationale for the layoffs. The most common reason cited by them is an anticipated recession as the US Federal Reserve increasing the interest rates that made capital less readily available in the market. Companies like Amazon, Uber, or Doordash, which are directly reliant on consumer spending would face less certainty in terms of cash flows in a volatile consumer market. Others like Facebook, Twitter, or Google, which rely heavily on ad revenue would still be impacted indirectly as companies would lower spending on advertisement during a recession.

The other justification is most commonly cited is the problem of ‘overhiring’. These CEOs have argued that they hired in abundance when they were enjoying a period of relative growth, hoping that their exponential rates of growth that they enjoyed during the

pandemic would continue. Thus they had to lay off the excess hires that they had done.

We however need to be sceptical of such justifications. These companies have long touted the fact that they experience exponential growth due to the fact that their technologies were efficient. They received copious amount of support from the government due to their role in job creation as well as their efficient models of consumption. This has turned out to be a lot of hot air. Many Silicon Valley companies (and tech companies all over the world) rely on funding from venture capitalists, and have no reliable business model at all once the funding dried up. In reality they prove to be inefficient, bureaucratic, and highly unreliable. While they have used possible economic insecurity as a reason for the layoffs, they

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have not withheld the payouts to their shareholders.

The Layoffs

The layoff tracker website shows that since the beginning of 2022, nearly 200,000 workers in tech have been laid off. These layoffs did not adhere to any logic established regarding performance or skill-set in the tech sector. Many workers whose appraisals a few months prior to the layoffs demonstrated that they were exceeding expectations were also laid off. In the case of Twitter, which was purchased by Elon

Musk last year, 50 percent of the workforce was laid off in a matter of days. Many simply finding out that they could no longer log into their company accounts without the bare warning.

Many tech workers in the US work on H1B visas, had only 60 days to find a new position or face deportation. This meant an intense pressure on the laid off workers to find jobs during a time that people were being laid off. At the same time other workers who now have to take on increased workloads would also

remain insecure in a precarious job market.

While there exist laws to prevent companies from colluding to fix prices or establish monopolies, no such protection exists for workers. The question on why so many entities chose the same time to fire workers en masse has not been questioned and the possibility of 'collusion' has not been explored. It is also important to remember that a lot of data work is not done by regular 'employees' but by 'gig' workers or 'micro'-taskers. ■

NO RISE IN PENSION, NO VOTE TO BJP

[Excerpts of key note address by Comrade Atul Dighe, Co-Convener of AICCEPFPA at the annual state conference of "Telangana All Pensioners' and Retired Persons Association"]

My greetings to you all on behalf of pensioners of Maharashtra and 70 lakh plus EPF pensioners across the country. The pensioners and the Central Government are at loggerheads.

We demand pension is a benefit. The government says pension is a business.

We demand a wholesome pension. The government says only partial and meagre pension.

We, the pensioners, toiled to develop this country. The Government is not willing to share the fruits of our labour with us.

The EPF pensioners, Coal Pensioners, Central Government and State Government employees

with New Pension Scheme (NPS) are victims of this anti-labour policy of the government. All these pensions are paltry and without any dearness allowance while the government has failed to keep control on prices.

The Vajpayee Government after coming to power in

1996 appointed a One Person Committee of Maneka Gandhi which recommended scrapping of Old Pension Scheme (OPS). Atal Bihari Vajpayee at the fag end of his regime implemented NPS by abolishing the OPS. All employees who joined the Central Government Services after 2004 are the victims of this policy. The states followed the footsteps of the central government. Now, with the introduction of the policy of Agniveer, the present government has practically completed the unfinished task of the Vajpayee government, by denying pension to our soldiers as well.

The Modi government after assuming power in 2014 amended the EPS 95 scheme against the interests of pensioners. While accepting the principle of minimum pension they allowed many deductions to it, thereby depriving the pensioners of even the minimum pension amount of Rs. 1000.

They introduced a pro-rata method for pension calculation. Thereby, they deprived a pension of Rs 2,500 to those retired after September 2014 and drawing a salary more than 15,000 a month. By introducing 60 months average for pensionable salary they reduced the pension for those drawing salary less than 15,000. They also revised the rule of higher pension option so

as to deny anyone to get that benefit.

The organization in Kerala went to the High Court. The High court quashed these changes. The EPFO went on an appeal to the Supreme Court but lost the case. Still, the “Union Government of India” stepped in to prevent pensioners from getting benefits of this decision.

The Chief Justice of India Mr. Lalit, who acquitted Modi of several charges earlier, on the date of his retirement, along with two other judges, upheld the changes made to the scheme by the Modi led BJP government.

We must understand the anti-worker character of the Modi led BJP government.

The rate of suicides in Telangana and eastern parts of Maharashtra has not gone down. On the

contrary, this government tried to bring in farm laws to facilitate corporates like Adani to take over the agriculture. The farmers waged a pitched battle for 13 months and more. Finally, the Modi government was forced to beat a retreat by the militant struggles of farmers.

The pensioners in the country should also wage a similar consistent struggle against the policy to force the government to heed to the demands of the retired employees.

We have decided to -

- go to the MPs, half naked holding empty plate, empty bowl in April. We will ring the thali and

say “Our plate is empty.”

- write a legal notice to the Prime Minister in May. The constitution of India gives every citizen the right to a dignified life. It places the responsibility on the Government.
- assemble in Maharashtra in the third national conference in June.
- paste on our doors a poster “pension ka jo kam na kare, Voh sarakar nikammee hai, Jo sarakar nikammee hai, voh sarakar badalanee hai.” in July.
- hoist the flag at Collector and Tehsil offices and start Fasting in August when the country completes its 75 years of independence.
- go to the workers to prepare them to rise in struggles in September.
- go for one day strike in October enrolling support from the Central Trade Unions.
- go on a campaign exposing the NPS and EPS in November.
- Organise Rail and Road Roko in December.
- **No increase in pension, No vote to BJP - in January. We are determined to defeat the BJP in 2024 if the demands of pensioners are not fulfilled.**

Let unite and struggle against the “Use and throw policy” of the Government. ■

AICCTU CONDEMNS THE DRACONIAN ACTION OF DE-RECOGNITION OF NFPE AND AIPEU

AICCTU strongly condemns the draconian action of De-recognition of National Federation of Postal Employees (NFPE) and the All India Postal Employees Union Group-C on frivolous grounds.

It is clearly a vindictive anti-trade union action by the Postal Department and the Modi government against NFPE, the majority union in the postal department which commands the support of more than 70% employees and is leading anti-privatization, anti-corporatization struggle in postal department.

This repressive action has been taken at the instance of the ruling RSS-BJP dispensation at the centre and its associated union, BMS, to throttle the voice of protest of employees and their fighting unions as has been witnessed in other sectors also. In defence sector, protests were scuttled by another way, by bringing EDSA.

The flimsy reason cited for derecognition by the postal department is that the said associations extended financial assistance to farmers movement and their sister unions. This is nothing but an attack

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on the democratic rights of employees and the associations. Extending solidarity to movements including financial assistance, is an internationally accepted right of employees and workers and the Modi government is hell bent on snatching this right. This draconian action must be resisted with all

our might. AICCTU demands the Modi led BJP government to withdraw the order of derecognition (dated 26.04.23) forthwith and restore the recognition of National Federation of Postal Employees (NFPE) and the All India Postal Employees Union Group-C.

AICCTU Headquarters ■

MESSAGE OF GREETINGS FROM AICCTU TO THE 29TH NATIONAL CONFERENCE OF AIBEA

Below is the full text of the letter to All India Bank Employees Association (AIBEA):

At the outset, I, on behalf of AICCTU, wish a great success to the 29th National Conference of All India Bank Employees Association (AIBEA) being held on 13-15 May 2023 at Mumbai.

The bank employees have always been in the forefront of struggles against privatization. AICCTU salutes this resolute struggle, which is a great source of inspiration to the working class of the country.

Your conference is being held at a very crucial juncture. The Modi-led BJP's central government has proved to be the most disastrous for public sector institutions and government sector. From Banks and other financial institutions to Railways, Defence, natural resources, etc. - are being offered on platter to corporates, thereby strengthening the stranglehold of corporates over the economy of the country.

The Modi government is hell bent upon throttling the voice of employees against privatization and corporatization by draconian ways and means which are best exemplified by the promulgation of EDSA in Defence sector and de-recognition of two recognized postal unions, NFPE and All India Postal Employees Union Group-C, which command the majority support in postal sector. In general, to pursue its policies of LPG (Liberalization, Privatization and Globalization), the Modi government has enacted 4 Labour Code Acts to make the working class as the slaves of corporates.

The public sector banks are facing severe onslaught of privatization with the sole aim of handing over hard earned money of common people to the corporates to facilitate them to earn huge profits. The recent

Hindenburg expose on Adani group (Adani Mega Scam) has clearly brought to the light how financial institutions are being looted by the Modi government to serve its crony friends, how corporate hijack of India democracy and economy is being facilitated by the Modi-Adani nexus. Also, with privatization and reversal of nationalization, the public sector Banks are not only pushed to bankruptcy and collapse, they are increasingly becoming insecure as well as costlier for the people. Therefore, this disastrous move of privatization must be fought and stopped with a broader support of the common people. And the victory of the united struggles of farmers with an unprecedented support of common people shows the way.

The platform of 10 central trade unions have called for a series of united struggles in 2023 including nation-wide general strike at the end of the year. The bank employees have always played a crucial role in strengthening the united working class movement. In view of their glorious tradition of struggles, we look forward to the bank employees particularly AIBEA, the largest organization of bank employees, to play a major role in further intensifying the united movement of working class of India against the policies of LPG and finally to oust this most disastrous Modi regime in coming general elections.

Once again, our best wishes for the great success of the conference.

With solidarity and warm greetings,

(Rajiv Dimri)

General Secretary ■

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MAHARASHTRA MIGRANTS IN TAMIL NADU FORCED TO WORK LIKE BONDED LABOURERS

AN INTERVENTION BY AICCTU

CPIML, Tamilnadu unit, received an information that five labourers (3 female and 2 male) along with their 2 young children are treated as bonded labourers, since March 8, 2023, in Ambasamudram Village, Usilambatti Taluk of Madurai District in Tamilnadu. They hail from Beed and Parbani districts of Maharashtra. Anna Godve is the contractor from Maharashtra who treated them as slaves. This arrogant contractor is associated with Sharad Pawar's Nationalist Congress Party. For sugarcane cutting, he employs 100s of workers for the Rajyasree Sugar Mills in Tamil Nadu's Madurai and Theni districts. Marathi is the only language spoken and known by these labourers.

On May 2, 2023, AICCTU leaders Ponnudurai and Jagatheesh Kumar, with the input provided by Chandramohan of CPIML, TN, visited them and found that the working conditions were very bad. The contractor threatened these leaders, but they managed to meet the workers. The workers were forced to work for 16 hours a day from 4 AM to 8 PM, no holidays, and were paid Rs.275 per ton for two persons to cut sugarcane. The contractor gets Rs.1000 per ton from factory management. The

working and living conditions are unsanitary, unsafe in temporary tents. Workers also complained of sexual harassment.

The Madurai District AICCTU Committee met the District Collector and filed a complaint on May 3. The next day officers from various departments and the police reached the spot. They confirmed the conditions of bondedness after enquiring with workers and the contractor. Rajyasree Sugar Mills officials reached the spot in support of the contractor. Defying all intimidation and threat, a group of workers narrated the conditions of servitude. But a large number of them succumbed to the threats of the management and the contractor. In face of it, instead of releasing about 50 bonded labourers and filing criminal cases under the Abolition of Bonded Labourers Act and SC-ST (Prevention of Atrocities) Act against the contractor Anna Godve, the government officials decided to release only 7 workers who had testified in front of them. The officials did not take any action against the erring management and the contractor and, shockingly, asked the Sugar mill Management to send those seven workers back home. The Rajyasree Sugar Mill management only provided

ordinary train tickets to workers to Mumbai without even any money for food, pending wages and other benefits.

This is how a nexus of contractors with the administration is working on the ground against the migrant workers. Alienated from their traditional land and forests, tribals and Dalits of Maharashtra and north and central India fall into the vicious trap of the contractor mafia and are subjected to cruel exploitation as bonded labourers in states like Tamil Nadu.

AICCTU has asked the administration for this particular incident to 1. Take action against the Rajyasree Sugar Mill management for practising a bonded labour system; 2. All Marathi workers being treated as bonded labourers in sugarcane cutting should be freed immediately with accompanied benefits, including wages, other dues and complete expenses to reach their native places; and 3) Maharashtra contractor Anna Godve and his henchmen should be arrested immediately under the Abolition of Bonded Labourers Act and the SC/ST (Prevention of Atrocities) Act.



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