



WORKERS RESISTANCE

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OBJECTIONS TO THE DRAFT CODE ON SOCIAL SECURITY (KARNATAKA) RULES, 2021 AND THE DRAFT OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS (KARNATAKA) RULES, 2021



★ AICCTU KARNATAKA

1. Common Objection regarding failure to publish in Kannada Language

The Codes mandate prior publication of Draft Rules in order to ensure that the necessary sections of society are provided an opportunity to participate in its framing i.e. the consultative process. The value of a public consultative process prior to the making of delegated legislation cannot be understated. The Government has failed to ensure the publication of Rules in Kannada language, which amounts to exclusion of the vast majority of the working class, who form stakeholders in the present case. The failure to ensure the same deprives the working class across the

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State from participating in this Rule making process.

Objections to the Draft Code on Social Security (Karnataka) Rules, 2021

1. Objection regarding pushing of electronic modes of service etc. in respect of the working class: A number of Rules provide for optional use of either electronic or physical service of notices, copies etc. There must be compulsory physical service in all cases. Recent TRAI Reports show that out of 100 persons, there are only 69 internet subscribers in Karnataka.¹ The Supreme Court in its order dated May 31, 2021 in *Suo Motu Writ Petition (Civil) No.3 of 2021 (In Re: Distribution Of Essential Supplies And Services During Pandemic)* recognised the massive digital divide in India, and noted that “It is the marginalized sections of the society who would bear the brunt of this accessibility barrier.” Hence, electronic mode may be offered as an additional option but should not be in substitution of mandatory physical service etc.

2. Improper Sub-Delegation: As per Section 120 of the SS Code, Social Security Organisations have various powers, including to

- Acquire and hold moveable and immoveable property,
- Sell or transfer property vested in it / acquired by it,
- Do all things necessary for such purposes and for the purposes for which the said Social Security Organisation is established.
- Invest any moneys vested in it, which are not immediately required for expenses properly defrayable
- From time to time re-invest or realise such investments:
- Raise loans and realize loans
- Constitute for the benefit of officers and staff or any class of them, provident or other benefit funds

This has all been made subject to the conditions as may be prescribed by the appropriate Government.

By Rule 29 of the Draft Rules, these powers are delegated to the Board, and it is prescribed that these conditions shall be as decided by the Board by a resolution approved by not less than 2/3 majority. This is an impermissible sub-delegation and the Board, which is not subject to the mandate of prior public consultation etc. is granted these wide powers.

3. Inadequate Representation

As per the proviso to section 7(3) of the SS Code, at least one member of the Board shall be a woman. This is absolutely inadequate, and does not correspond to the proviso to Section 6(12) in respect of Social Security Board, which mandates that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the minorities and women. The State should have prescribed better representation but the proviso to Rule 4 of the Draft Rules states that one member amongst the worker / employer nominees is to be a woman. This must be rectified.

4. Membership at the Pleasure of the Government

As per section 6(13), the term of the State Unorganised Workers' Board shall be three years. However, in the Draft Rules, the term of nominated members has been made subject to the pleasure of the government. This must be amended to ensure that workers who raise issues are not victimized by removal from the Board.

5. Reduction in amount to be deposited for Cess Appeal

In respect of BOCW (Building and Other Construction Work) Cess, previously, Union Government had framed Rules. As per the same, to file an appeal against an order, a deposit of 1% of the amount in question was required to be made. Now, the same has been reduced to 0.5% in Rule 27. The draft rules ought to be amended to maintain a deposit of 1% to prevent frivolous appeals.

6. Failure to exercise powers granted by the SS Code

[1] https://www.traai.gov.in/sites/default/files/Report_09112020_0.pdf

- As per section 112 of the SS Code, the appropriate government is empowered to set up toll free call centre or helpline or such facilitation centres as may be considered necessary from time to time. However, no Rules are formulated in respect of the same.
- As per section 122 (5) (e) of the Code, the Appropriate Government may empower the inspector cum facilitator to exercise any other powers. The role of the said inspector cum facilitator has been thoroughly diluted by the Code, and the Rules fail to ensure provision of adequate powers to the inspector to ensure that he could perform the duties necessitated by him.

7. Outsourced Staff

Rule 10 contemplates outsourced staff of the Board. There should be no outsourced staff in a State body, and civil servants are required to be appointed as permanent staff. The increasing contractualisation of employment results in a grave insecurity of tenure to the working class, and the State as a model employer must rectify this and not to perpetuate

the same.

8. Massive Gaps in the Draft Rules

There are a number of major gaps in the Draft Rules, that will result in denial of workers' rights.

- **Records and registers:** The Rules fail to prescribe the registers and records mandated to be maintained under section 123(a) of the Code, which mandates that establishments maintaining particulars regarding persons employed, muster roll, wages; number of days for which work performed by employees; number of hours of work performed by the employees; wages paid; leave, leave wages, wages for overtime work and attendance; employees identification number, by whatever nomenclature it may be called; number of dangerous occurrences, accidents, injuries in respect of which compensation has been paid by the employer and the amount of such compensation relating to Chapter IV and Chapter VII, respectively; statutory deductions made by employer from the wages of an employee in respect of Chapter



III and Chapter IV; details as to cess paid in respect of building and other construction work; total number of employees (regular, contractual or fixed term employment) on the day specified; persons recruited during a particular period; occupational details of the employees; and vacancies for which suitable candidates were not available during the specified period.

- **Compulsory insurance:** The manner of compulsory insurance of establishments for the purpose of gratuity is to be prescribed by the Appropriate government as per Section 57(3) of the SS Code, and the Rules fail to so prescribe
- **Display of Provisions:** The Rules fail to prescribe manner and form for display of notices at the workplaces of the employees in respect of rights under the Code in question, as mandated in section 123(b)
- **Wage Slips:** The Rules do not mandate form of wage slip as per section Rule 123(c)
- **Maternity Benefit Forms:** In respect of Maternity Benefit, no forms have been provided in respect of maternity benefit, whether it be the Form for making a complaint to the inspector-cum-facilitator under section 72(1) or the Form of appeal under section 72(3). Hence, the Rule regarding supply of forms free of cost is also deleted. Moreover, the specific roles of inspectors in relation to maternity benefit have been deleted, whereas the same ought to have been maintained.
- **Unorganised Workers:** There is no provision corresponding to Rule 12 of the Unorganised Workers' Social Security (Karnataka) Rules, 2009, which prescribe how registration of unorganized workers is to be effectuated, though such registration is mandated under section 113 of the SS Code.
- **Employment Exchange:** The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 has been repealed and its provisions have now practically been made optional in sections 139-140 of the SS Code.

Whereas previously, Rules under the Act were prescribed by the Central Government, now, the appropriate government “may” effectuate the provisions. The role of the Employment exchange in ensuring employment to the increasing unemployed cannot be understated, and comprehensive rules in this regard ought to be framed

The lack of prescription in this regard will gravely affect the rights of the working classes.

Objections to the Draft Occupational Safety, Health and Working Conditions (Karnataka) Rules, 2021

1. Comprising safety of workers:

- **Definition of Hazardous substance watered down:** Rule 2(1)(o) defines a “hazardous substance” as a chemical described under Schedule – BB or any other substance which the central government or state government may notify from time to time. However, Rule 2(1)(w) of the Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) (Karnataka) Rules, 2006 defines “hazardous stance” as any substance which due to its explosiveness, inflammability, radioactivity, toxic or corrosive properties, or other similar characteristics, may cause injury or affect adversely the human system or cause loss of life or damage to property in work-environment, while handling, transporting or storing and classified as such under national standards or in case such national standards do not exist to the generally accepted international standards. Thus, Rule 2(1)(o) of the OSH Rules, 2021 significantly dilutes the protective definition in the extant Rules, leaving it entirely upto the Central/State Governments to notify only chemicals from time to time. Schedule – BB to the OSH Rules, 2021 corresponding to Rule 2(1)(o) set extremely high standards for the classification of a chemical as a hazardous substance, meaning that most

hazardous substances would not fall within the definition and thus, workers exposed to them will not be protected with adequate safety standards. Further, OSH Rules, 2021 only defines **chemicals** as hazardous substances, excluding any other substances, including inflammables or explosives that may cause injury to or affect human life or the work-environment. In effect, most substances would not be considered hazardous substances and thus, establishments will not have to provide notice to the Inspector as per Rule 21(3), would not have to provide data on accidents as well as health of workers exposed to the substances as per Rule 35(6)(b), would not have to exempt pregnant women from working around such substances as per Rule 70(1), would not have to disclose information to workers regarding handling of the hazardous substance as per Rule 106(1)(f) (h)(i) or (j), or undertake safety measures as per Rule 112. This gravely compromises safety within an establishment.

- **Permitting deemed approval without verification:** Rule 4 deals with approval of plans and permission before the establishment of a factory. Rule 4(5) states that if no order is made on the application of plan and permission submitted to the Chief Inspector Cum Facilitator within the timeline stipulated under the Karnataka Sakala Services Act (which is 90 days), the plan approval shall be deemed to have been granted and the certificate of permission shall be auto-generated. Such deemed approval would defeat the purpose of seeking permission, as the application for the plan and permission to commence operations is the most pertinent portion of commencing factory operations which ensures that the manufacturers and business owners ensure adequate safety, compliance with environmental laws, and protection to the workmen including on-site emergency plans, creche, the safety of the building and equipment, provision of health centres, and

stability of the building and manufacturing processes. Without the application of mind of the Chief Inspector Cum Facilitator to the application for approval of plans and establishment of the factory, the safety of the factory is left to the whims of the operator of the factory, without any legislative oversight ensuring adequate compliance with the law. The provision contemplates conditions in which factory operators will make an application, and will be allowed to commence operations with little to no oversight on account of the laxity on the part of the Chief Inspector Cum Facilitator to check the application within the stipulated time. This grossly compromises the safety of the factory and the workmen.

- **Auto-renewal of licence:** Rule 7 regarding renewal of the license provides for auto-renewal of the license online upon payment of fees. This provides a *carte blanche* permission to the factory operator to continue operations indefinitely, without any oversight of the Inspector and compliance with the law, as a mere application online will be sufficient for renewal. Rule 7(1) must be deleted and the Chief Inspector Cum Facilitator must mandatorily be required to apply her mind to the application for renewal to ensure compliance with safety requirements and the law.
- **No prior information on commencement:** Rule 18 introduces a procedure unknown to law regarding notice of commencement and cessation of operation, requiring the employer to only notify the Registering officer within 30 days of commencement and cessation of operations of a factory or mine or relating to contract labour, or building and other construction works. This procedure must be amended to require prior permission and intimation to the workmen before commencement and cessation of activities, and prior permission from appropriate authority only after compliance with rules regarding closure of the undertaking, and

payment of dues to workmen.

- **Annual health examination:** Unlike Rule 242 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Karnataka, Rules, 2006 having extensive protective safeguards for workmen exposed to hazardous conditions and their medical examination, Rule 19 of the OSH Rules, 2021 merely has a perfunctory provision regarding yearly examination of workers in several establishments such as beedi, construction work, plantation etc. This is merely nominal in nature, and does not actually ensure the health of workers.
- **Safety Officers and their Duties:** In providing for a new authority called “safety officers” and their duties, the OSH Rules, 2021 fails in respect of protecting workmen working in smaller establishments, as Rule 42 provides for safety officers in factories with 500 workers or above, and 250 or above in factories carrying on hazardous process. However, the Rules fail to contemplate the safety officers for factories having less than 500 or 250 workers, and does not specify in what manner and who will be carrying out the duties of safety officers in these smaller factories. Further, the Safety officer only advises and assists the factory management to follow safety protocols. There is no enforcement powers or penal powers given to them if it is found that the factory does not follow safety protocols
- **Excluding dependants and family members:** Rule 3 looks to narrow the definition of family as provided in the OSH Code by stating that dependents who earn equal to or more than minimum wages applicable to that industry shall not be included. This is impermissible and Rules cannot circumscribe the main Act itself. Section 2(1)(x) of the OSH Code, 2020 defines a “family”, and is relevant to provisions such as Section 92 wherein the State Government may prescribe every plantation employer to make housing

accommodation for the worker employed in the plantation and his family. This restricted definition of a dependent will exclude several vulnerable and actually dependent members of the family from being provided the benefits of the OSH Code, 2020.

- **Notice of periods of work:** Rule 48 makes it optional to provide the notice of periods of work option. The notice must not only be displayed in electronic form, but mandatorily be displayed in physical form in a conspicuous place at which the workers have been informed regarding the display of such notices, in both English and Kannada language, in advance.

2. Inspector-cum Facilitators

The OSH Rules, 2021 in providing for an Inspector Cum Facilitator, has empowered the Inspector to photograph any worker in Rule 55, in complete violation of the right to live with dignity and right to privacy of the workers as protected in Article 21 of the Constitution. No such photography must be permitted save with the express informed permission of the worker. Further, Rule 55(4) must be amended to make it mandatory for the inspector to carry out an inspection upon receipt of a complaint, and must not leave it to the discretion of the inspector to decide whether or not an inspection is needed, as this defeats the very purpose of a complaint seeking inspection.

3. Failure to ensure rights of Contract Labour

- The OSH Rules, 2021 entirely dilute the hard-won rights and duties of the contractors and principal employers as contained in the Contract Labour (Regulation and Abolition) Act, 1970 (see Rules 20, 21, 28((2)(d), 29) and fails to make provisions for compliance with law regarding working conditions in order to attain registration or renewal of the license, provision of canteens, rest-rooms, and first-aid and welfare facilities of contract labour. Further, rules 78 and 81 completely fail in protecting the workmen as they

do not place the burden on the principal employers to provide facilities and make payments of wages/dues on default of the contractor. The entire chapter must be amended to place the burden on the principal employer to provide all benefits upon failure of the contractor.

- The disputes regarding whether or not an activity is a “core activity” has been left entirely to the discretion of the employers, placing the burden on the workmen to raise a dispute to the government with reasons and documents to prove that an activity is a core activity and there is a prohibition on employment of the workmen in such activity. The entire OSH Rules, 2021 legitimise and perpetuates the employment of workmen through sham contractors in perpetuity to deny them the status of permanent employees to avail the consequent benefits.

4. Attack on rights of Inter-state migrant workers, audio-visual worker, beedi and cigar workers

- The OSH Rules, 2021 entirely eradicate the protective provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Karnataka Rules, 1981 which provided for provision of passbook (Rule 23), medical facilities, protective clothing, drinking water, latrines, urinals, washing facilities (Rule 33), rest-rooms (Rule 34), canteens (Rules 35) etc. and merely have a bland Chapter on providing journey allowance, schemes, toll-free helpline and studying of their conditions, while entirely doing away with their protections.
- Similarly, none of the provisions of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 and rules protecting the workmen from the vagaries of private employment and their working conditions have been saved.
- Beedi and cigar workers have similarly been

provided for registration, but no provision has been given for their protection, provision against the health hazards they are exposed to, and safety equipment or health facilities.

- Further, Beedi & Cigar, plantation workers, inter-state migrant workers, audio-visual workers (cine-workers), contract workers are included in chapters and parts of the Rules. However, mine workers, working journalists, motor transport workers, sales promotion workers, dock workers and building and other construction workers have very little safety or welfare facilities being provided for in the Rules.

5. Failure to ensure proper registers to be maintained by establishment

The OSH Rules, 2021 contemplate various registers to be maintained. However, the registers and forms, significantly dilute the protections present in existing enactments, and reduce to a great extent the compliances required by the establishments, in the name of ease of doing business. This only serves to the interests of the businesses and further the exploitation of already vulnerable workmen. For example, the registers fail to mention the number of adult workers, child workers, cleanliness, as required till now under the Factories Act, 1948, or the records of building workers including the number of hours of their work, work performed by them, day of rest etc. under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

Thus, in serving corporate interests, the OSH Rules, 2021 betray the working class and must be withdrawn. ■

DOLU TEA PLANTATION, SILCHAR: EVICTIONS AND THE AIRPORT AGREEMENT

★ BIBEK DAS



Dolu is a 200-year-old tea estate located at Silchar district in the Barak Valley of Assam. The plantation covers an area of about 9,650 bighas and has three branches – Dolu, Lalgargh and Moynargarh. The total number of registered permanent and temporary workers in the Dolu plantation is 1900. If the number of contract workers and other unregistered, irregular labour are added to this figure, the total strength of workers becomes more than 6000. A part of the plantation area is being sold by the Dolu Tea Company for building a ‘Greenfield Airport’ by the government.

The Government of Assam had informed the local administration and estate authorities of its intention to build an international greenfield airport on an area of 2,500 bighas of land in the Dolu tea plantation. As per the wishes of the Government of Assam, the Dolu Tea Estate Authority communicated the decision of acquiring land in the plantation area to some trade unions working in the tea garden. After a process of negotiations, the Dolu Tea Company signed an agreement with the said unions on 22 January 2022, in the presence of the Deputy Labour Commissioner and the Assistant Labour Commissioner of the

Cachar district. The agreement states that the Cachar Chah Sramik Union (affiliated to INTUC), the Barak Valley Chah Mazdoor Sangha (affiliated to BMS) and the Akhil Bharatiya Chah Mazdoor Sangha (affiliated to CITU) expressed their conditional consent to the construction of the airport on 2,500 bighas of land belonging to the Dolu tea plantation.

The ‘Declared’ Terms of the Agreement

The terms and conditions of the said unions are as follows:

1. The provident fund and gratuity dues payable to workers shall be paid together with the compensation dues to those evicted.
2. The management will gradually convert the kachha houses of workers in the plantation territory into concrete quarters. The agreement does not mention how many houses will be converted and within what time period.
3. The authorities will spend money on development works such as improvement of schools and improvement of football grounds.

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4. The water station located at Lalgarh Tea Estate Branch, from which drinking water is supplied to the workers of the Lalgarh Tea Estate, will be dismantled and will be rebuilt subsequently.

5. The current wage arrears of Rs 2,000 lakh for permanent workers and Rs 1,000 lakh for temporary workers shall be paid.

6. Ambulances will be provided for workers to avail treatment at the garden hospital.

7. Even if land currently in the plantation area is released for building the airport, the names of the workers evicted will not be removed from the payrolls.

8. Roads will be constructed inside the garden.

This agreement may appear justified in terms of clauses but unfortunately they are not really backed by sufficient budgetary allocations or by developing any practical and viable plans for its implementation. It looks more like a fiction to satisfy the feelings and not like a realistic plan to safeguard job, wage and social security of the plantation workers. It is more a rhetoric and surrender than an agreement to safeguard the rights and livelihood of workers.

No Budgetary Allocation

It is to be noted that the airport to be set up at Dolu tea estate in Silchar was not included in the initial list of 21 greenfield airports announced by VK Singh, Minister of State for Civil Aviation, Government of India, in the Rajya Sabha in March 2020. It was only towards the end of a lengthy process of identifying land and finalising the budget for 21 airports that the question of another airport at Silchar came up. Thus, it is not clear whether the central government has allocated money for the airport at Silchar. We are also not aware whether the necessary environmental clearance has been sought for the construction of the airport.

Unless these doubts are clarified, no trade union can express its support for the acquisition of some major portion of the plantation land and the consequent stopping of plantation work. If budgetary allocations are not made, how can the livelihood of all workers involved in the plantation work be guaranteed?

The said agreement, which in a way, gives a green

signal on behalf of the workers of the Dolu Tea Plantation to the company to stop plantation activities in the acquired land and is marked by several ambiguities and signals the potential loss of livelihood for thousands of workers of the plantation.

Why Secret?

To begin with, the management and the said trade unions decided to keep the agreement confidential. If the rights and livelihood of the workers involved in the tea plantation are to be safeguarded via the agreement, why should it be kept confidential? Why should it be kept away from public scrutiny? CITU released a statement saying that that the airport is needed for the 'development' of the area. Should we not ask, the development at what cost? At the cost of livelihood of thousands of workers? Can such a loss of livelihood be agreed through an agreement by the trade unions themselves?

As the agreement is now in public domain, one can look at what it has promised to the workers of the plantation.

Thousands Being Thrown to the Winds

Clearly, the most important question concerning trade unions is the question of jobs and livelihoods of the workers of the Dolu Tea Company who are likely to be evicted when the land is converted into an airport. The agreement claims that no worker's name will be deleted from the payrolls. Workers in the tea plantation include permanent, contractual and other unregistered workers. Amongst them, permanent workers constitute a meagre percentage of the total workforce involved. How can the temporary and unregistered workers of the tea plantation be included in the payrolls? Have they been counted and consulted before signing the agreement between trade unions and the company? It can be safely said that majority of the workers, more than 2000 of them, are going to be evicted without any compensation, guarantee of jobs or a right to bargain

through a union of their will and choice.

Can ‘Pay Roll’ Mean ‘Jobs’?

Even if we assume that some continue to remain on the payrolls, will they be given jobs? If they are not to be given jobs, will they be paid wages without any job? Will not the joblessness lead to retrenchment very easily? Can't their rights be easily targeted and violated? The agreement is silent on these issues. This clearly indicates that even if some workers continue to remain in the payrolls of the Company, their rights as workers are bound to be snatched away.

Statutory Rights Being Compromised Through Agreement?

The agreement mentions guarantee of payment of arrears of Provident Fund and gratuity to the workers after the company receives compensation from the government for the shutdown of work. It also says that pending wages of Rs 2,000 lakh (Rs 20 crore) for permanent workers and Rs 1,000 lakh (Rs 10 crore) for temporary workers are yet to be paid. Payment of these wages are also a part of the agreement. It would have been fair if they are paid before the land is acquired. But, it says that it will be paid only after the compensation is received after the legal transfer of the land. This is another surrender by the unions. In fact, no union of workers will accept any sales until workers dues are settled. But, unfortunately, the unions that are party to the settlement have agreed for sales before settling workers dues. Provident fund, gratuity dues and timely payment of wages are existing legal rights of the workers. Normally, it should have been enforced by the enforcement machinery of the government. Generally, such statutory points should have nothing to do with an agreement regarding eviction of plantation workers. We believe that such basic rights which are mandatory cannot be claimed to be a big achievement of the unions through an agreement for the handover of plantation land which is bound

to result in loss of livelihoods of workers.

Ambulance After Closure?

Another provision of the agreement says that ambulances will be provided. This means that there was no ambulance in such a large tea plantation till now. Mr. Hemanta Biswas Sharma, the present chief minister of Assam himself, has been in charge of the Health Ministry for the last fifteen years. Even then, the Dolu garden hospital was not equipped with an ambulance and the same, ironically, is being promised now, after closure.

Alternative Source of Water

The agreement states that the Lalgah branch water reservoir will be demolished and a new one will be constructed. What will the workers of Lalgah do if the existing water reservoir is removed without providing alternative water reservoirs? There is no answer in the agreement.

Rights of Workers

A Left trade union issued a statement regarding their position on the Greenfield Airport in Dolu. They have welcomed the construction of the airport and have talked about concerns regarding the rights of workers. They also have reiterated the terms of the said agreement. They have also said that concerns regarding livelihood of workers have been adequately addressed in the agreement.

The point remains, however, that the defence of workers' rights mentioned in the said statement are not reflected in the agreement. If there is no need to worry about rights of workers, then why did the union, CITU in this case, consent to the agreement being kept confidential?

Why Blame Workers for Agitation?

The CITU statement also questions the agitation by workers in Moynargarh branch of the Dolu Plantation. It is unfortunate to see that a trade union is issuing a statement to disown and vilify an agitation by workers. The very fact that the protest by workers of Moynargarh itself indicates their dissent against the agreement and also indicates their fear

towards the threat of losing their livelihoods. If the workers have not been consulted in the process of negotiations, if they have not been guaranteed their livelihoods, how can a trade union want them to be silent and approve the plan of the government and the management?

Livelihood of the Community of Tea Tribes

This is not the first time that a plantation land is being sold or transferred to others. Tea plantations is a labour intensive industry and can involve a large number of workers, rarely seen in other industries.

Therefore, the government should stop this transfer as it involves issues of livelihood and employment of a larger community of tea tribes. In this case, around 2,500 workers are employed in 2,500 bighas of land in all seasons. The government's so-called 'development plans' are snatching away the future and the livelihood of these workers which should be opposed tooth and nail by any responsible trade union.

AICCTU is committed to safeguard the interests of tea workers who are also mainly of tea tribes in Assam. ■

FLAMING FACTORIES OF DELHI HUMAN SACRIFICE AT THE ALTAR OF PROFIT

★ SUCHETA DE

In a horrible incident, a factory fire broke out in Delhi's Mundka on 13 May 2022. Dozens of workers were burnt alive and several others were injured. The official figure of deaths in the Mundka fire is reported to be 27, and the number of missing persons is reported to be 29. However, a fact finding team constituted by AICCTU that visited the place estimates that the number of deaths to be not less than 100.

The incident took place in a building that was being used for assembling and storing routers, CCTVs and adapters. Cofe Impex Private Limited was using the building as its factory premises. Around 250 workers were working in the factory. This factory has been functioning in complete violation of all applicable labour laws and safety rules. The building being used as a factory was operating in a congested place, with no fire extinguisher and only one entry/exit point. The factory was functioning without a proper registration or license and had not obtained the requisite No Objection Certificate (NOC) from the fire department. Workers were being paid around Rs. 9000 per month, whereas the minimum wages in Delhi range from Rs 18,000 to Rs 21,000 for unskilled

and skilled workers. This effectively means that the workers in the Mundka factory were being paid less than half of the legal minimum wages existing in Delhi. The workers were also denied legally mandated PF and ESI facilities.

Not an Accident, but a Ghastly Massacre through Violation

Every year, factory fires kill hundreds of poor migrant workers in the National Capital Territory. In 2018, eight incidents of factory fires and deaths of workers were reported in areas such as Bawana, Narela, Sultanpuri, Nawada, Swaroop Nagar and Karol Bagh. In 2019, 10 incidents of factory fires and related deaths were reported in Moti Nagar, Kundli, Jhilmil, Narela, Jahanirpuri, Keshavpuram, Peerhagarhi, Anaj Mandi, Sarai Rohil and Mandoli. In the factory fire in Anaj Mandi, 43 workers were reported dead. Just like any other factory fire incident, these deaths are under-reported as there is no way to find out the real number of workers working in these factories and the number of casualties amongst them. The factories do not keep any employment register for these workers.

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Workers continue to work in a most hazardous of conditions, without even being registered as workers and are, therefore, denied any rights. An AICCTU team visited then, the Anaj Mandi factory fire site too and found out the heinous violation of not only the rights of workers but also basic human rights.

In 2020, factory fires killed workers in Geeta Colony, Mayapuri and Peerhagarhi. In 2021, several workers were killed in a factory fire in a shoe factory in Udyog Nagar. In May 2022 alone, other than Mundka, factory fires killed workers in Mustafabad and Narela. Year after year, workers continue to get killed in factory fires, but various governments continue to give a free hand to companies to flout laws and to exploit workers to the hilt even to the level of death.

Both the AAP and the BJP are Responsible for the Killings

AICCTU holds both the ruling parties of Delhi and offices run by them responsible for the deaths of poor migrant workers in a series of incidents of factory fire. The labour ministry of Delhi government led by AAP is directly responsible for ensuring implementation of labour laws and safety rules in Delhi. Despite several incidents of factory fire deaths, as mentioned above, the AAP Government has not bothered to ensure inspection of these factories. Regular inspections and actions on various reports of factory fires could have prevented factory fires and consequently the deaths. It could have ended the widely prevalent culture of flagrant violations of laws. The present labour Minister Manish Sisodia must be held accountable for the latest factory fire.

Along with the Delhi government, the Municipal Corporation of Delhi (MCD) is also responsible for guaranteeing safety measures and fulfillment of the condition of requisite licenses to operate

these factories. The MCD is ruled by the BJP for the past several years. Let us also remember that the same party in power at the centre has brought four anti-worker labour codes to further intensify the exploitation of workers by the killer companies. The Mayor of the North Municipal Corporation of Delhi, who was responsible for looking after the enforcement of safety rules of building and factories in the Mundka area is also directly answerable for the incident.

AICCTU Holds Protest against the Killings

AICCTU and other central trade unions of Delhi have been consistently protesting against the killing of workers due to criminal negligence by those in power. Protests were held at the residence of Labour Minister Manish Sisodia and also at the residence of the Chief Minister Mr Kejriwal.

We Demand:

Resignation of the Labour Minister of Delhi Government and Mayor of North Delhi Municipal Corporation.

Stringent action against the owner of the factory for violations.

Proper identification of all victims of the factory fires in Delhi and provide a compensation of Rs 50 lakh to each family of the deceased. The government should also guarantee government jobs to one family member from each family of the deceased.

Guarantee strict adherence to safety norms and ensure that there is no death of workers any more in factory fires. Guarantee compliance of the Factories Act and other labour laws in each and every factory in the capital. Ensure inspection of each factory to guarantee that the safety norms are not violated. ■

THE LIC DISINVESTMENT – AN EXPLAINER

★ AVANI CHOKSHI



What is Insurance?

Insurance is an understanding where a company [or LIC (Life Insurance Corporation) here] agrees to pay a certain amount for a loss /illness/ death to the person who pays premium to it or to her family. It is extremely important in a country that lacks a strong social security framework, since families can otherwise be plunged into a debt trap in case of arising of such a situation. Insurance provides safety to families in case of an unanticipated loss and performs an important social welfare function especially in poorer and more vulnerable households.

What is LIC?

Life Insurance Corporation of India (LIC) is a corporation established by the Life Insurance Corporation Act, 1956. Before 1956, there were several insurance companies that were not providing a proper standard of care. The government of India decided to nationalize life insurance in India, and LIC was formed by taking over more than 200 companies.

What was the objective of nationalization?

At the time of nationalization, the government argued that:

- insurance is basic to the economy and a form of social service which should be run by the state,
- the state should enter this field to augment capital resources, and to this end, “activation” of the industry should be given top priority, particularly in rural areas, and,
- there was concentration of economic and social power in a few hands; that such concentration of power was not in consonance with a socialist pattern of the society.”¹

The finance minister at the time, CD Deshmukh, stated:

The nationalization of the life insurance business is a further step in the direction of more effective mobilization of people's savings ... Insurance is an essential service which a welfare state must make available for its people ... With profit motive eliminated, and the efficiency of service made the sole criterion under nationalization,

[1] Amanulla Khan, 'Privileging Shareholders over Policyholders: LIC IPO', Economic and Political Weekly (henceforth EPW) Vol. 57, Issue No. 11, 12 Mar, 2022.

it would be possible to spread the message of insurance as far and wide as possible.²

How does LIC work?

Policy holders pay premium to LIC, with medium to long term agreements, and LIC invests this amount. Some policy holders also choose to be “participatory” policy holders, which means that they participate in the risks by providing risk capital. Before the law was amended in 2021, these participatory policy holders were rewarded by payment of 95% of the surpluses each year in the form of bonus. Only 5% goes to the Government.

Who own LIC?

Officially, LIC was 100% government owned before the disinvestment. But this is not a proper characterization. This is because the bulk of LIC’s wealth was created through the savings of the economically poor and the middle classes. Government has not put more money in, after 5 crores in 1956, and the entire money comes from policy holders (which is Rs. 5.4 lakh crores officially, and much more likely). Even in 2011, when the capital was required to be increased to 100 crores, the same was not put in by the government, but taken from profit generated through policy holders’ money.

Therefore, the government is only acting as a custodian of wealth belonging to the policy holders. It is with this argument that a case has been filed in the SC (Supreme Court) against the disinvestment, stating that the amended provisions of the Act are contrary to Article 300A of the constitution of India, which protects the right to property.

What is the position of LIC pre-dis-investment?

LIC is the largest life insurer in the world, in terms of the number of policies and claims settled. As of 30th September 2021, it had over 282 million policies.³ Though there are over 20 other insurance companies

now, LIC has the majority in the market and had a net income of Rs. 6.82 lakh crore in 2021.⁴

However, the position has been deteriorating. From 66.4% of the share in the total premiums in India in 2019, the position of LIC has deteriorated each year, to 63.6%, in 2021.⁵

LIC has also been forced to purchase several other government companies which have become bad assets and as part of the disinvestment policy of the state. These companies have also been made weaker over time, and often have huge debt and non-performing assets (NPAs). This was started before the change of dispensation in 2014 but escalated substantially after. Some examples are the purchase of Rs 7,000 crore in disinvestment of Coal India in 2015, Rs. 8000 crores in disinvestment of Indian Oil Company (86% of shares) in 2015, Rs 8,000 crore in the disinvestment of General Insurance Corporation of India, and Rs 6,500 crore in the IPO of New India Assurance Company, both in 2017, and Rs. 2,900 crore (70% of shares) in disinvestment of Hindustan Aeronautics Limited in 2018, and Rs 12,000-13,000 for purchase of IDBI bank. This has resulted in a doubling of the NPAs of LIC between 2014-15 to 2017-18.⁶

What is disinvestment?

Disinvestment is when the government reduces its holding in corporations / companies belonging to it. The present government has an explicit policy of disinvestment, and sets massive disinvestment targets each year. We must see disinvestment as a first step to privatization, which is also a primary objective of the government. Disinvestment is usually started by an IPO (an Initial Public Offering) where people can buy a small piece of the company or a “share” in the company. Each share will be given a small value and represents ownership of a part of a company, which means that shareholders will have

[2] Ibid.

[3] Nikunj Ohri, LIC IPO: 10.8 million eligible to avail of policyholders’ quota, Business Standard, 4 March 2022.

[4] Amanulla Khan, ‘As the Mega LIC IPO Looms, Did it Fulfill the Objectives of Nationalisation?’, The Wire, 11 January 2022.

[5] Kaushal Shroff, ‘In the LIC IPO Process, a Snapshot of India’s Political Economy’, The Wire, 7 May 2022.

[6] Praneta Jha, ‘How Govt Milking of Cash Cow LIC is Endangering India’s Most Trusted Life Insurer’, Newsclick, 29 October 2018.

some say in the decisions taken by the company.

How has the government disinvested in LIC?

The Government has been speaking about the disinvestment of LIC over the last few years. It conducted the IPO between 4th May 2022 and 9th May 2022. The government then sold 3.5% of the LIC. Importantly, before the IPO, the government amended the LIC Act in 2021 to allow for disinvestment. Two important changes brought by the Amendment are as follows.

Firstly, as stated above, participating policy holders were no longer given 95% of the surplus of LIC. Through the amendment, the LIC profits have been split into two funds – profits generated from participating policy holders and profits generated from non-participating policy holders. As per the amendment, participating policy holders now have 90% share of only the profit generated by them, and shareholders have been given 100% share of the surplus generated from non-participating policy holders. This is extremely problematic, as the profit generated by the policy holders is being handed over to shareholders. Importantly, after this amendment, the Embedded Value of LIC jumped from 1.04 lakh crore to 5.4 lakh crore, because the funds that were previously in the control of the participating shareholders have been divided and control has been given to shareholders.⁷

Secondly, the amendment provides that after the IPO, for the first 5 years, the Government must own at least 75% of the issued share capital, and thereafter, not at least 51%. There is a clear path to privatization, and even this will be amended.

Many unions and left parties have been saying that LIC was undervalued during disinvestment.

[7] Khan, 2022. (EPW)

[8] Khan 2022. (The Wire)

[9] V Sridhar, 'LIC IPO: A Scam of Gigantic Proportions', *Newslick*, 27 April 2022.

[10] V Sridhar, 'Grossly Undervalued, LIC IPO is the Most Controversial Ever', *The Federal*, 4 May 2022.

[11] *Ibid*.

What does this mean?

Over the past twenty years or so, insurance companies across the globe have been valued by an “embedded value” or EV. Before the LIC IPO, the government appointed the company Milliman to evaluate the EV of LIC and concluded that the EV is Rs. 5.39 lakh crores.

However, this is not a correct valuation of LIC. Firstly, Milliman did not even consider the real estate owned by LIC. LIC is second only to railways in real estate ownership in India, with estimated value of Rs. 10-15 Lakh crore.⁸ Secondly, the EV disregarded the massive goodwill value of LIC across India. LIC and its various subsidiaries have a unique value in India. Serious doubts have been cast on the manner of valuation of EV by Milliman.⁹

Not only this, but the way the EV was used to value shares was also highly shocking. Usually, a multiplication factor of the EV is used by insurance companies to arrive at the price of stocks. HDFC Life, SBI Life and ICICI Prudential — had applied a multiplication factor of between 2.5 and 4 to arrive at their issue price. However, for LIC, the government chose to use a multiplication factor of 1.1 only! Officials claimed that the Ukraine war, and market conditions caused the government to take this decision. If we calculate the value using the multiplication factor of 3.96 as used by HDFC life, the loss to the government is Rs. 54,950 crores!¹⁰ As Mr. V Sridhar, a senior journalist, and a member of the People's Commission on Public Sector and Public Services who has written extensively about the LIC disinvestment argues, “the headlong rush to the IPO has nothing to do with the Modi government meeting its disinvestment target. If it was indeed motivated to meet those targets, why on earth would it willingly suffer losses of the magnitude that it is now going to suffer?”¹¹

Why is disinvestment

problematic?

At the outset, disinvestment must be seen as the first step to privatization. With disinvestment, there is a change of the financial model as large private companies start to hold ownership. Instead of the welfare model, maximization of profits becomes the goal. Since the shareholders now have control over the profits of the establishment, they will have a say in decision making of where further investment should be made, and which areas should be focused on.

Resultantly, insurance in “less profitable areas” would now be cut down, which would mean lesser insurance for economically weaker sections and rural areas. Right now, LIC bears the burden of insuring rural India – only 107 offices are run by private insurance companies as opposed to over 1000 offices of LIC.¹² In 2021, 15% of LIC’s new business came from rural India.¹³ As of now, as per the All-India Insurance Employees Association, “The average premium size of LIC is Rs 11,000 as against Rs 50,000 in the private sector, which targets the creamy layer.”¹⁴ However, after disinvestment, focus will be on higher premiums rather than increasing coverage of poorer households.

With the shift in decision making, the investors are likely to focus on higher-risk investments, whereas the policy holders require stable and low risk investments. Additionally, the government control over small and medium households’ savings, which is an important economic necessity, is likely to reduce.

Of course, the impact on the employees of the corporation must also be considered. The increasing contractualisation of the workforce is likely to be exacerbated with disinvestment

and privatization, and permanent jobs will reduce.

Conclusion

Constitutionally, India is still a ‘socialist’ state. Articles 38 and 39 of the Constitution, which are directive principles of State policy mandate the state to “*strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities*”, and more particularly to direct its policy towards securing “*that the ownership and control of the material resources of the community are so distributed as best to subserve the common good*”. In fact, this was one of the reasons for nationalization of LIC in the first place. The deliberate destruction of LIC runs counter to this mandate.

In the Lok Sabha, the Minister of Finance was recently asked about the effect of disinvestment on the social objectives of LIC. However, the Minister bypassed the question, and stated that “*The proposed listing will, inter alia, enable the Government to unlock the value of its investment in LIC, position LIC to raise capital from the market for its future growth, and improve its governance through greater market discipline and transparency resulting from listing requirements and disclosures. These benefits, in turn, will equip the Government and LIC to pursue growth of the economy and the insurance sector and thereby to promote development and social protection*”¹⁵

The disinvestment of LIC through blatant undervaluation has already resulted in huge losses. After the IPO, LIC lost its position as 5th most valuable company, and has losses of Rs. 77,600 crores in market capital.¹⁶ *The actions of the Government cannot but be viewed as an assault on the rights of the public and as an anti-people measure. The only beneficiaries will be large corporations, and this will widen the social inequality in the country. A joint struggle must be launched to challenge this handover of national wealth and to demand accountability of the government.* ■

[12] Kaushal Shroff, ‘As the Clock Ticks Towards LIC IPO, What Policyholders Should Consider’, *The Wire*, 29 January 2022.

[13] *Ibid.*

[14] Staff Reporter, ‘LIC Employees to Strike on March 28-29 Against the IPO’, *CNBC TV 18*, 18 February 2022.

[15] Lok Sabha Unstarred Question No. 2890, Answered On 21.3.2022.

[16] Amit Mudgill, ‘LIC Listing: M-Cap Falls By Rs 46,520 Crore, PSU Still 5th Most Valued Firm’, *The Economic Times (Markets)*, 17 May 2022.

LABOUR SNIPPETS – JUNE 2022

1. Sanitation Workers Demand Regularisation

Over 1,500 workers, out of the 2,000 workers, of Chennai Metropolitan Water Supply and Sewerage Board held a protest in front of their headquarters seeking regularization of their jobs. These workers who are hired on temporary basis, render essential and continuous service, and have been doing so for the past several years. However, the apathy of the Board in disregarding their service and not making timely payment, ensuring other benefits, supplying them with safety gear such as boots, goggles and masks, providing uniform, among other concerns that were raised by the workers who sat in protest for over three days. The workers stated that despite having made several representations to alleviate their working conditions, the Board had turned a deaf ear consistently.



2. Occupational Safety a Must

We all read about the tragic death of 27 workers in the Mundka fire in Delhi, where a majority of the deceased were women workers. This has brought to light the horrible working conditions of many workers, which has resulted in workplace accidents and deaths and the apathy and the silent complicity of both the employers and the State. Lapses on part of the employers always go pardoned, whereas the workers' family suffer from the loss of a loved one and a breadwinner. This has been repeatedly highlighted in case of death of workers during

manual scavenging. While in the past two weeks, the media focused on the Mundka fire, there were several other incidents across the country, which did not make it to the national media, and yet brought out the unsafe working conditions of crores of workers whose cry for help has not and will not be heard. Three workers died in a factory plant owned by Zuari Agro Chemicals when the workers tried to cut open a gas tank with a flaming gas cutter, resulting in the fatal industrial accident. The Factories Department found several lapses on part of the company as there was no plant manager onsite to supervise the work. Three other workers sustained injuries in an explosion at the Tata Steel coke plant in Jamshedpur, during a dismantling process in a non-operational unit. In another incident in Kinnaur district of Himachal Pradesh, three construction workers were injured and two others trapped when a tunnel for a hydro-power project which was under construction collapsed. Two other migrant construction workers who were working on laying sewerage pipelines in Bengaluru drowned to death after water from a drain flooded an underground pipeline. The two workers had gone 20-feet inside an underground pipe for welding work during the night and without any safety equipment, when a nearby drain overflowed due to the torrential rains in the city for the past two weeks.

3. EdTech firm fires over 420 employees

Vedantu, an EdTech company, has fired over 600 of its employees, with 200 contractual workers in early May 2022, and about 424 employees a fortnight later, citing “volatility” in the EdTech market. It has been stated that the number of workers laid off amount to about 7% of their total workforce. Further, it has been reported that several start-ups companies like Byjus, Unacademy, Lido Learning, Meesho, Trell, Furlenco, and Vedantu have laid off close to 2,500 employees in the country. The EdTech companies have stated that after a 2-year long stint in rendering service for online



education, schools have returned to normalcy post the COVID-19 situation, and therefore, these platforms have reported a decrease in the number of users. While the company has been quoted as stating that the war in Europe, fear of recession, and massive correction in stocks globally has led them to take this decision, it is undoubtedly the workers who are to bear the brunt of this sudden move of the company, especially due to the rising unemployment rate and unprecedented price-rise within India.

4. Small Rubber Plantation Workers Denied Minimum Wages & Other Welfare Benefits in Tamil Nadu

Despite the good revenue for the Tamil Nadu state government, the concerns of about 30,000 rubber plantation workers have been unaddressed for several years. Ailed by the lack of payment of minimum wages and other social security measures in Kanyakumari district, many of these workers in private plantations are afraid to raise their concerns for the lack of job security. It is said that the wages of the workers are fixed based on the market price of the rubber, which goes against the implementation of the Minimum Wages Act, 1948. Although trade unions work with a majority of the workers, there are various obstacles in unionizing workers in private plantations which are less than 50 acres in size, since the workers also face the continuing threat of losing their jobs if they demand higher wages, ESI facilities, EPF facilities and other benefits accrued to them. The workers have been seeking that they be protected against severe injuries, accidents, animal attacks, health-related issues induced due to the harsh working conditions, along with payment of minimum wages and other benefits.

5. Dearness Allowance Fructified as Fundamental Right: Calcutta High Court

The Calcutta High Court directed the West Bengal Government to release the dearness allowance and arrears of the same within 3 months of the order,

which is to be calculated on the basis of All India Consumer Price Index average 536 (1982=100) commensurate with their pay as per the West Bengal Services (Revision of Pay and Allowances) Rules, 2009. The West Bengal Government had moved the High Court against the order of the West Bengal Administrative Tribunal which had directed the State Government to make payment of dearness allowances and that the claim of the state government employees is based on a legally enforceable right up to the extent of the recommendations of the 5th Pay Commission. The High Court reiterated that payment of dearness allowance reinforces human dignity under Article 21, thus becomes a fundamental right of every employee. It is quoted – “What we feel, apart from acquiring the enforceable legal right to get Dearness Allowance using the methodology of All India Consumer Price Index, such right of the employees to sustain their livelihood with human dignity has been fructified or elevated as fundamental right as enshrined in Article 21 of the Constitution. Such right available to Government Employees who are the main workforce behind the functioning of a Government in right direction cannot be denied by the State. As observed by the Pay Commission, we are of the same view that to pay respect to the statutory rights of the Government Employees to get DA Allowances at the rate as above, the Government must generate all its resources.”

[Judgment of the High Court of Calcutta in State of West Bengal v. Confederation of State Government Employees, West Bengal, in WPST 102/2020, dated 20.05.2022]

6. ‘Gratuity to be paid for period before regularization of service as well’

The Karnataka High Court held that the CEO, Mysuru Zilla Panchayat and the AEE, Panchayat Raj Engineering Sub-division, Piriapatna to be jointly and severally liable to pay gratuity amount along with 10% interest from the date of joining employment till the date of retirement. The Petitioners in the matter, who were the employers, disputed that the workers were not eligible for gratuity as at the time of retirement, they had

already been paid their pension amounts and gratuity. The workers contended that they were daily-wage labourers at the time of joining service, and were thereafter regularized. They said that the pensionary amounts and gratuity were paid by taking into account the period for which they were regularized, and not from their date of joining. Taking into consideration the same, the Court held that “Of-course on their regularisation, respondent No.1 were governed by the Karnataka Civil Services Rules (KCSR) and they have received pension and gratuity on their retirement. However, admittedly the petitioners paid gratuity only covering the

period from the date of their regularisation till their retirement on attaining superannuation. While paying gratuity, the petitioners did not take into consideration the services rendered by respondent No.1 from the date of their appointment as daily wage workers till the date of their regularisation. During that period, respondent No.1 was not governed by the KCSR or for any other rules for payment of gratuity.”

[Judgment of the High Court of Karnataka in CEO, Mysuru Zilla Panchayat & Anr. v. Puttaraju & Ors., in WP No. 46017/2017 dated 12.05.2022] ■

RESTORATION OF THE OLD PENSION SCHEME IN RAJASTHAN

★ SAURABH NARUKA

Why the OPS was Restored

The demand for restoration of the Old Pension Scheme (OPS) by government employees has picked up steam, of late. While the Bhartiya Janata Party (BJP) led central government has made it clear that it is not in favor of restoration, some state governments ruled by non-BJP parties have responded favorably. In the run up to the recently concluded elections in Uttar Pradesh, Akhilesh Yadav had announced a restoration if the Samajwadi Party came to power. In February 2022, the Congress led government in Rajasthan had announced the restoration. So had the Chhattisgarh government.

The basic difference between the New Pension Scheme (NPS) and the OPS is that under the NPS, the pension fund is a contribution driven, while the OPS is a benefit driven one and provides the right to ensured entitlement of pension to the beneficiaries. With the passing of time, it became clear to employees that their contributions and their post-retirement futures remained uncertain under the NPS since, unlike the OPS, it doesn't give guaranteed assurance of payment of a specified amount of pension. The pension amount is restricted to the actual contribution paid by employer and employee, and because the corpus collected in

the pension fund is invested in the market and it is subjected to market risks.

The flaws in the NPS became evident to employees when they saw the actual balance of their NPS amount after contributing for all these years to the fund. The reluctance of the central government to listen to the employees' demands is quite expected. The BJP government has unabashedly championed market fundamentalism and the New Pension Scheme (NPS) is certainly market oriented. Moreover, it was BJP government headed by Atal Bihari Vajpayee that had scrapped the OPS back in 2004. The Government of Rajasthan, headed by Ashok Gehlot, became the first one in the country to restore the OPS. The Government of Chhattisgarh soon followed suit.

Arguments Against Restoration

The restoration in Rajasthan and Chhattisgarh started a debate on the viability of the decision. Protagonists of neo-liberal policies argued that the restoration amounted to taking the wheels of 'reforms' backward and predicted that it would backfire on the fiscal position of the state governments. This decision was however widely welcomed by various employees' unions in

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Rajasthan, such as the Roadways Workers' Union, teachers' organizations, Laboratory Technicians' Union, Rajasthan State Government Employees' Organization, and so on.

The debate around the restoration of OPS does not hinge on the question of employees' welfare and preferences, but on the question of fiscal sustainability. The supporters of the NPS have argued that it doesn't carry any policy risks since the governments are made to contribute their share of the pension liability upfront and in a way that is fiscally prudent. The likes of Rajiv Mehrishi and Renuka Sane have pointed out that guaranteed pensions after retirement are facing a crisis of funding across the world. In a world where the old live longer and demographic transitions reduce the number of young to pay for the old, schemes like the OPS are redundant, they suggest.¹

The pro-NPS arguments stand on a very weak footing. These arise from market fundamentalist mindsets, which puts emphasis on cutting government expenditure of all kinds in the name of austerity. Such arguments firstly, rule out any possibility of debate on raising the age of superannuation with average increase in life expectancy and innovations in technology. Raising the age of superannuation would in fact utilize the experience of employees in more effective ways over a sustained period and increase the ratio of service period and post-retirement pension period even after factoring in increase in life expectancy.

The pro-NPS position also rejects the idea that the government should be the model employer when it comes to ensuring social security and welfare of its employees. The productivity of employees and their motivation level should rest on the state being a model employer that is willing to take care of employees at old age. Proponents of the pro-NPS position also champion the market investment of pension funds, which essentially allows big corporates to profiteer based on the hard-earned savings of employees and subjects their post-

retirement futures to enormous risks.

Barriers to Implementation

The Rajasthan government has remained steadfast in its decision to restore the OPS, despite the pro-NPS voices. The policy has however run into some rough weather, presumably due to the obstinacy of the central government.

Following the Gehlot's government's decision in February, the state cabinet approved the proposal for the necessary amendments in the Rajasthan Civil Services (Pension) Rules, 1996; Rajasthan Civil Services (Contributory Pension) Rules, 2005; the various revised pay scale rules; and the Rajasthan Civil Services (Medical Attendance) Rules, 2013. It also wrote to the Pension Fund Regulatory Development Authority (PFRDA), asking it to return Rs 39,000 crores deposited with the body under the NPS. This amount includes the employees' shares and the government's share in the capacity of the employer.

The PFRDA has however refused to release the Rs 39,000 crores, claiming that there is no provision in the rules that allow such an exit. On the face of it, the PFRDA decision seems to have been influenced by the political intentions of the BJP government at the center. It is now up to the state government employees of Rajasthan and Chhattisgarh, and the working classes of these states to defend this decision of the concerned state governments. Without strong pressure from people, the restoration can become null and void in practice.

As for the central government's intentions, their reluctance to move away from the NPS needs to be seen as part of the overall championing of neoliberal economics and governance. It isn't merely about the pension schemes that the government has refused to function as the model employer. The pension policies are an integral part of a policy framework which cuts down on social and economic rights of the people and strongly weakens the welfare-ist mandate of the state. ■

[1] Rajiv Mehrishi, Renuka Sane, 'Why Rajasthan Government's Decision To Return To Old Pension Scheme Is A Fiscal Disaster', *The Indian Express*, 3 March 2022.

‘UNAUTHORISED COLONIES’ OF DELHI AND THE VINDICTIVE BULLDOZER

★ RASHEE MEHRA



The history of unauthorized housing in Delhi can be traced back to the planning failures of the state, particularly the Delhi Development Authority (DDA), which has through successive master plans failed in its goal to build enough lower and middle income housing in the city. Unauthorised colonies (UAC) are deemed as such as they are built on land which is neither zoned for residential purposes nor earmarked for other development work in the city’s masterplan. Here, it is important to note that the Delhi has both elite and poor unauthorised colonies - they range from the bungalows of Sainik Farms to the slums of poor like Jahangirpuri and to the ghettoized Muslims of the Shaheen Bagh. This piece will focus on the spatial injustice faced by the low-income residents of the Delhi’s unauthorised colonies and not the elite informality that very much exists in the city - as the elite have historically escaped persecution through evictions in Delhi.

It is a historical fact that the DDA never built enough low-income housing for working class citizens of

Delhi. To address this historical lacuna of housing and left with no or little choice, the working-class citizens have been left to “auto construct” the city with their own labour and money to fulfill their basic housing needs. The state, instead of rewarding this labour and recognising its own shortcomings, has always viewed these housing typologies as illegitimate and using this language of the law, has sought to demolish these human settlements time and again. This is proved by the fact that in the past decade, the DDA has demolished 7000 more homes than it has built.

According to statistics presented in the India Housing Report by the Center of Policy Research, approximately 50 Lakh citizens or roughly 30% of Delhi’s population lives in these unauthorized colonies. These unauthorized dwellings lack basic services and amenities ranging from poor and unsafe physical infrastructure, to lack of sanitation and water facilities and lack of public spaces. This deliberate withholding of basic services by the state

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has only decreased the viability of these residential colonies. The threat of evictions is a real and constant fear in the lives of so many of Delhi's residents. There are other legal roadblocks in the UACs - the owners of the houses cannot get loans from banks by mortgaging their properties and neither can prospective house owners get loans to buy cheaper houses for themselves and their families. This has only exacerbated the housing crisis in Delhi.

The state, instead of finding a resolution to the severe shortages of affordable and viable housing for all citizens, has weaponized the so-called illegality of these areas and swung between offering authorisation to the colonies as an election tactic and/or carrying out demolition drives in these areas to create an image of being "tough on violations". Regularizing Delhi's 1639 unauthorised colonies has been a [recurring issue](#) in Delhi's assembly elections for many years now. The latest round of this was seen in the Delhi 2020 elections when the BJP rolled out the Pradhan Mantri - Unauthorised Colonies in Delhi Awas Yojana. In short, PM-UDAY to confer legal land

titles and provide services to Delhi's 1700 odd UACs. Many researchers and housing rights activists have pointed out the gaps in this scheme which looks at all UAC housing in a homogenous manner and its complex and online application process means that many residents do not apply for authorisation under the scheme.

Also, it is important to say that housing rights cannot be viewed in a silo and are in fact deeply connected to people's livelihoods. As seen in the latest spectacle of brutish state power in Jahangirpuri, not only were people's houses demolished by the bulldozers but also their livelihoods - from corner juice shops and local grocery stores to street vendors who sit and sell wares on the footpaths. Therefore, we must recognise that Delhi (like every other Indian city) is a city of informal livelihoods and informal housing. To declare over 50 lakh citizens as unauthorized or illegal, the state only highlights its own deliberate failures to plan an equal and just city. ■

INTERNATIONAL

WORKERS' RESISTANCE IN THE SRI LANKA PROTESTS

★ AKASH BHATTACHARYA

The General Strike and After

Resistance by unionized and non-unionized workers has played a significant role in the ongoing mass protests in Sri Lanka. Increasing immiseration of the working classes - the majority of whom are non-unionized - due to neoliberal policies -- is a factor behind the outburst of popular protests. The existing unions have thrown in their support behind the protestors and have synced the mass demand for President Gotabaya Rajapaksa's resignation.

Within a few weeks of the spontaneous outburst of the demonstrations, over 1000 trade unions held a

day long general strike. This took place on 28 April and brought the country to a standstill. Essential services had already been severely affected by the economic crisis and hence the trade unions made sure that these were not hampered. This protest helped to intensify the movement. Following the violent attacks by Rajapaksa loyalists on 9 May, trade unions once again initiated a week of protests.

During the 28 April general strike, Channa Dissanayake, president of the Ceylon Bank Employees' Union, explained the situation in the following words:





“What began as an economic breakdown became a political breakdown, and now has become a social breakdown. The newly appointed governor of the central bank has temporarily halted debt servicing. Although no one wants to say it, what this means is that we are bankrupt. What is there left to talk about? We absolutely need a reformation.”¹

The participation of workers has increased the strength of the movement in terms of numbers. Striking workers have also strengthened the emphasis on structural change in addition to the demands for short-term political and economic solutions. While a precise program of structural transformation is yet to be articulated by trade unions and other democratic political forces, there is an increasing realization among sections of protestors that the current crisis is deeply rooted in long-term political trends and economic policies.

Structural Questions

The Sri Lankan state’s victory over the LTTE led to a renewed triumph of Sinhala nationalism. Since 2009, the Rajapaksa brothers have ridden

heavily on the back of Sinhala pride to consolidate their power. This led to a normalization of heavy military expenditure. The Tamil genocide allowed the Rajapaksa brothers to position themselves as champions of the Sinhalese middle classes, who were also full of glee about the “development” work done by the government. This allowed the ruling regime to remain in power despite several earlier warnings that an economic crisis was looming on the horizon.²

There is now a growing conversation within the movement about heavy military expenditure as a key cause behind the ongoing crisis, about the long-standing state repression of Tamils and Muslims. On 18 May, a special remembrance event was held at the Galle Face Green in Colombo to remember all those who were killed/forcibly disappeared in the civil war in 2009. A special commemorative event was also held in Mullivaikkal in the North of Sri Lanka where the last phase of the war took place.

Alongside issues of ethnic nationalism, state repression, rights of minorities, neoliberal economic policies have also been questioned by

[1] Staff Reporters, ‘Sri Lanka Trade Unions Strike To Pressure President To Step Down,’ Tribune, 29 April 2022. (<https://dailynht.com/news/story/89480>)

[2] Ben Andak, ‘To Solve Its Economic Crisis, Sri Lanka Must Demilitarize’ *Jacobin*, 5 December 2022. (<https://jacobin.com/2022/05/sri-lanka-crisis-military-rajapaksas-tamils-repression>)

sections of protestors. Neoliberalism has been the normal in Sri Lankan policies since the late 1970s. In more recent times, the country has witnessed a slew of “reforms”. From greater trade liberalization to budget cuts to social welfare, all have been justified by citing an ensuing debt crisis caused by the previous regime’s accumulation of loans for mega infrastructure projects.³ Neoliberal policies have not saved the island from the crisis though.

Sri Lankan workers have been vocal against unequal economic policies over the last decade. There were massive protests in 2011 in the Free Trade Zones against the Private Sector Pension Bill.⁴ Protests against the Adani port project in Colombo in 2020 had made news in India.⁵ Last year, workers protested the wage cuts and job losses that followed the lockdown.⁶ Thus, even though a powerful workers’ movement is absent in Sri Lanka, working classes have been politically alive and active and are now strengthening the current protests.

Our Solidarities

One wonders whether trade unions, left parties and other organizations representing the working classes will be able to drastically influence the ongoing movement.⁷ For us though, this process of trying to integrate workers’ issues and demands for structural change into the mass movement, is interesting and important.

In policy terms, it has been argued, that India should learn lessons from the Sri Lankan crisis.⁸ There are things for us to learn from the

protests as well, as we try to build a united front against fascism and simultaneously strengthen movements for structural change. Our opponents are also similar: pro-corporate development models, ethnic supremacist nationalism, and a deadly combination of these.

The Government of India has once again taken the big brother approach, dishing out loans to Sri Lanka and acting as a saviour. The loan is a welcome measure, but this also needs to be seen as part of a foreign policy that looks to strengthen neoliberal alliances in the neighbourhood. It is therefore important for us to think what a pro-people foreign policy can look like, globally and in South Asia.

For a deep and meaningful political engagement with the Sri Lankan protestors, we also need to alter the nature of our engagement with the Sri Lankan society. In our popular culture, the Sri Lankan cricket holds an important place, while the Tamil genocide becomes the backdrop for thrillers and films. Beyond these, Sri Lanka as a country that hardly holds a place in our cultural imagination, but for emotional bonds of Tamils towards their counterpart in Sri Lanka. These protests are an occasion to change that, and in the process, we can strengthen the engagement between democratic political forces in India and its neighbouring countries. ■

[3] Kanishka Goonawardena, ‘The Crisis in Sri Lanka’, *Jacobin*, 2 January 2019. (<https://jacobin.com/2019/02/sri-lanka-crisis-wickremesinghe-sirisena>)

[4] Staff Reporter, ‘Sri Lanka: Workers Protest Against Pension Bill’, 10 June 2011, *Socialist World*. (<https://www.socialistworld.net/cwitest/2011/06/10/sri-lanka-workers-protest-against-pension-bill/>)

[5] Staff Reporter, ‘Sri Lankan Port Workers Protest Against Proposed Deal With India’, *National Herald*, 23 July 2020. (<https://www.nationalheraldindia.com/international/sri-lankan-port-workers-protest-against-proposed-deal-with-india>)

[6] S. Kandipan and M. Thevarajah, ‘Sri Lankan Estate Workers Protest Against Higher Workloads And Wage Cuts’, *World Socialist Website*, 14 May 2021. (<https://www.wsws.org/en/articles/2021/05/15/sril-m15.html>)

[7] Dewaka, Gunawardena, ‘Sri Lanka’s Post Labour Politics’, *Jacobin*, 24 January 2017. (<https://jacobin.com/2017/01/sri-lanka-unions-rajapaksa-unp-slf-trade-democratization>)

[8] Dipankar Bhattacharya, ‘Lessons from Sri Lanka for India: Check Prices, Provide Jobs, Stop Communal Conspiracies!’, *Liberation*, 24 May 2022. (<https://liberation.org.in/liberation-2022-june/lessons-sri-lanka-india-check-prices-provide-jobs-stop-communal-conspiracies>)

FIRST SPEECH OF THE NEWLY ELECTED WFTU GENERAL SECRETARY, PAMBIS KYRITSIS IN THE 18TH WTUC

8 May 2022

Dear colleagues, brothers and sisters, thanks for the election

I am aware of the responsibility I take on. WFTU carries a long and glorious history of struggle and in the current conditions it has a very important role to play in coordinating and guiding the class-oriented labor movement throughout the world.

I feel this responsibility even greater having in mind that I replace George Mavrikos, a comrade who has sealed with his 17-year presence at the helm of WFTU, a course of great organizational development and substantial expansion of its prestige and influence. A comrade with morals and political weight who with his personal example managed to inspire again the respect in the leadership and the procedures of our Federation, after a difficult period of regressions and uncertainty.

When we agreed that WFTU should continue to exist and that after Havana a new beginning should be made with new leadership and modern, democratic and transparent processes, I know very well how heavy the burden was lifted by the leadership and the Secretary General of the WFTU and how big progress and improvement has been made.

Obviously I undertake in better conditions. The operation of our Federation today is not characterized neither by bureaucracy, neither by inaction and nor by fatalism. Today it is an active organization, operating in a spirit of collectivity and democratic participation, having positions and proposals and having active members whose presence and role in all continents and in all sectors is essential and very distinct. Nevertheless, in order to fulfill my role, I will definitely need everyone's support and cooperation. And I'm sure I will have it. Especially of comrade George Mavrikos, whom of course we do not demobilize but we will certainly use



him in every possible way. The same goes for other comrades with a great offer who after this congress will be included in the honored category of WFTU veterans. Our 18th Congress has highlighted with clarity the fields in which the Global Class Trade Union Movement is called to give its battles and to realize its goals. It has set priorities for more productive and effective intervention, a stronger and more united front in workers' struggles. We have no illusions. The battles that await us will be hard and difficult. In the war between labor and capital imposed on us by the barbaric, exploitative nature of the capitalist system, the balance of power at the moment is not such as to ensure us everywhere and always victorious results. There is no doubt that this balance of power at the global level would be very different, if an important part of the Trade Union movement were not under the dependence and political and ideological influence of the dominant circles of capitalism. If this part would set its priorities in line with the class interests of the workers and not the interest anyone else. In such a case, the ability of workers to resist attacks and impose policies that respect their achievements and rights would certainly be much greater. The situation regarding living and working conditions would also be very different. The class consistency certainly does not characterize the whole Trade Union movement, but it does characterize the forces that unite in the WFTU. That is why the mechanisms

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of the system have tried and are still trying with blackmail and exclusion, to erase if possible the class pole in the world trade union movement. They tried to proclaim the universal alignment of the Trade Union movement with the logic of integration and assimilation into the imperialist new world order. But they did not manage to dissolve us, nor to silence us, nor to assimilate us. We are here armed with the decisions of our Congress, full of determination to change the balances, to resist fatalism and capitulation, to defend the rights of workers, to defend collective bargaining and collective agreement, to oppose the privatization and destruction of the welfare state. We are here:

- United with collective decisions, with thesis and priorities that unite us, we develop

actions, we strengthen solidarity, we lead struggles, we intervene where the decisions concerning the workers are made.

- Organized with a presence in all corners of the earth, with Trade Unions representing over 110 million Members
- Structured with collective leadership and guidance, with regional offices on all continents, with TUI'S covering almost all areas of economic activity.
- And most important we are here to inspire workers with the vision of a world without imperialist interventions and wars, without human-to-human exploitation. ■

An AICCTU delegation consisting of Com. Rajiv Dimri, General Secretary; Com. Uday Bhat; Com. SK Sharma, Com. Maitreyi Krishnan and Com. V. Arun Kumar virtually (online) participated in the 18th World Trade Union Congress of WFTU held in Rome, Italy from May 6 to May 8, 2022.

Full text of AICCTU message to the 18th World Trade Union Congress of WFTU can be accessed here: <https://www.aicctu.org/workers-resistance/v1/may-2022-workers-resistance/message-greetings-18th-world-trade-union-congress-wftu-6-8-may-2022-rome-italy>



ACTIVITY REPORTS

Uttar Pradesh

ASHAS OF UP ON AN ONWARD MARCH!

★ VIJAY VIDROHI

On 15 May 2022, Uttar Pradesh Asha Workers Union (affiliated to AICCTU) organized a state level convention of ASHA workers in Lucknow. About 150 delegates from different districts of the state - Rae Bareilly, Lucknow, Shahjahanpur, Jaunpur, Hardoi, Bareilly, Gorakhpur, Deoria, Mau, Sitapur, Pilibhit, Unnao, Amethi, Pratapgarh, Allahabad, Kanpur and Barabanki participated in the convention. Leaders of Uttar Pradesh Mid-Day Meal Workers Union, AICCTU and CPI-ML were also present as guests in the convention.

The convention was presided over by a seven-member presidium. Inaugurating the conference, ASHA leader Kamaljit Kaur said that the Uttar Pradesh ASHA Workers Union has not only emerged as the only organization in the state that is fighting honestly for the rights of ASHA workers, but it has also registered itself with the Labour Department. It has thus achieved the distinction of being the only recognized organization of ASHA workers in the state. She also said that many NGOs who work in the name of ASHA workers do not engage in challenging the misdeeds of authorities and in demanding the rights of ASHA workers. There is a need to isolate these organisations from our movement. These organisations thrive on funds of the government and create troubles in building a decisive movement.

Two resolutions were passed unanimously in the convention. These resolutions underlined the demand that all outstanding honorarium, amount payable due to service in Covid period and the outstanding 8 months honorarium of the mid-day meal workers should be paid within a week. The

convention warned that if the demands were not met on time, demonstrations would be organized at district headquarters across the state on June 6, and a massive demonstration in the capital will be held on September 12, 2022, in support of the demands presented before the government. A demand of compensation of Rs 10 lakh to the family and a permanent job to a family member in case of death of any ASHA worker while on service was also one of the resolutions.

The State Secretary Sadhna Pandey, while answering the questions raised in the debate on the proposed draft, said that the Uttar Pradesh ASHA Workers Union has been fighting for basic rights of ASHAs for more than a year and the struggle must be expanded and strengthened to ensure that ASHAs get their rights. She said that our demand is to get a salary of Rs 26,000 per month, maternity leave, ESI facility, life insurance of Rs 50 lakh, securing the status of a state health worker for ASHAs and setting up of gender cell to stop sexual harassment. The struggle must march forward to guarantee fixed working hours for ASHAs.

Comrade Sarojini, State Secretary of the Mid-Day Meal Workers Union, also addressed the convention. She called upon all the scheme workers to move towards a united struggle.

The convention was concluded with a call to Strengthen the organization, to identify and isolate the broker organizations and to move forward to achieve your rights on the strength of your unity and struggle. ■

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CONVENTION OF RAILWAY EMPLOYEES AGAINST PRIVATIZATION AND NPS

★ KAMAL USRI

On 23 June, a convention against privatization and corporatisation of Indian Railways and New Pension Scheme (NPS) was organized under the banner of DLW Rail Mazdoor Union (affiliated to IREF and AICCTU) in the Employees' Club of Banaras Rail Engine Factory (DLW).

The convention, which concluded with the impressive participation of DLW employees, was addressed by Rajiv Dimri, all India General Secretary, AICCTU, Manoj Pandey, all India President, IREF (Indian Railway Employees Federation) and Sarvjit Singh, all India General Secretary, IREF. The speakers at the convention emphasised that the struggle against NPS and for the restoration of the old pension scheme led by Front Against NPS in Railways and IREF have brought these issues to the national political scenario of the country. While the governments of Rajasthan and Chhattisgarh have recently announced the cancellation of NPS and restoration of Old Pension Scheme (OPS), the same also emerged as an important issue in the recently held assembly elections in UP, Punjab, etc. Now, the time has come to build up a nationwide movement with wide solidarity between employees of the country's largest government organisation, railways and other central and state government owned organisations. On the basis of this movement, the Modi government at the Center and all other state governments must be forced to scrap the New Pension Scheme and restore the Old Pension Scheme. Just like the farmers forced the Modi government to bow down and repeal three anti-farmer laws, similarly the railway employees will have to force the government to get this anti-worker NPS scrapped.

The Speakers said that the future of Indian Railways

and its employees are confronting the biggest attack ever in the form of privatisation and corporatisation of the railways. These policies are being imposed only to give away the railways to the crony corporates like Adanis and Ambanis. The result is the destruction of permanent jobs in railways and the accessibility of common masses to the railways.

NPS is nothing but a privatization of pension funds. This is only a part of the entire privatisation project being followed by the present regime. While intensifying our fight against NPS we should also resist the massive privatisation drive by all government companies, We should also protect resources and oppose the project of National Monetisation Pipeline being brought in by the Modi regime.

The speakers condemned the current atmosphere of communal polarization being created by the trio of BJP-Sangh Parivar-Modi government. They said that well-planned efforts are being made to bury the real, life-related issues of the people.

When the people of India are at the receiving end of massive unemployment, inflation, privatization, violation of rights, and are taking to the streets, the Modi regime is conveniently turning a blind eye to these issues and is busy in spreading communal hatred. The speakers called upon the working class to resist these communal conspiracies by Modi-BJP-RSS regime and to intensify their fight for basic rights, while remaining alert. The speakers emphasized that without resisting the communal conspiracies, our struggle cannot reach its destination. Those who addressed the convention included Kamal Usri, Jumerdin, Rajendra Pal, Manish Harinandan, Bharat Raj, Ratan, Ravi Sen, Partha Banerjee and Pradeep Kumar Yadav. ■

West Bengal

SAVE PUBLIC SECTOR FORUM LAUNCHED

★ NIRMAL GHOSH

Save Public Sector Forum may be a common platform for public sector employees both in service and also the retired, irrespective of cadre and category.

Few months back, some retired bank and rail employees and a retired trade union leader of Calcutta Electric Supply Corporation, a Ramnath Goenka company, came together and formed a platform called “Save Public Sector Forum” which began its functioning from North 24 parganas district of West Bengal. The forum felt the crying need to initiate a campaign against the BJP government’s policy of outright sales and privatisation of all government owned assets, including public sector companies and all important infrastructures.

Though the intention of wholesale dismantling of public sector was not so explicit in 2014, it is no more a secret now that they are committed to hand over the entire public sector to the Indian capitalist cronies and their foreign agents. While, from the Prime Minister to the Finance Minister, keep uttering that it is not the business of the government to do business, the Modi led BJP government is virtually playing the role of a broker between the public sector and the private capital.

The Modi government started with demonetisation under the plea of eliminating black money with an appeal for fifty days’ time period for course correction, has now placed before the nation a new project called National Monetisation Pipeline. The Central Finance minister has said that the project is expected to earn 6 lakh crores by next four years only through handing over nation’s wealth to private players for

a price, perhaps, set by the buyers only.

The forum is conceived to act as a platform to raise voice against privatisation and to go all out to resist it in every possible way, including campaigns and suitable forms of protest actions. It is a fact that Comrade Provat Kar, a leader of bank employees and an MP, first tabled a proposal for bank nationalization before the Lok Sabha on 21st August 1959, ten years earlier than the actual date of enactment. Bank employees raised the slogan ‘People’s money for people’s Welfare; not for Corporate loot’. Now, they have developed it as ‘Save Public Sector Bank; Save the Nation’. We have already witnessed the outcome of corporatisation of BSNL, that has resulted in liquidation of the same. Similar fate is awaiting various public and government owned sectors like Defence factories, Railways and so on.

Save Public Sector Forum can be developed as an umbrella organisation of various public sector and government owned organisations and its employees. The forum should actively engage in campaigns against privatisation, for patriotism, etc., among its employees. At the same time, it should also highlight the connect between privatisation and common masses because of the issues that affect the people in large.

The Save Public Sector Forum actively worked for the success of the two days all India strike on 28-29 March 2022 along with AICCTU. Joined the joint conventions in support of the strike.

Sooner, the forum is planning a state level convention to launch a campaign against privatisation in its next phase. ■

MID-DAY MEAL WORKERS DEMAND INCREASE IN HONORARIUM

★ ATANU CHAKRAVARTY



A two-day dharna of mid-day meal workers at Esplanade in Kolkata was organised on 7-8 June demanding 12 months' salary for 12 months' work and regularisation as government employees.

Even as 10 lakh plus ASHA workers have been conferred the WHO Global Health Leaders Award for their salutary role in providing direct health care access during the pandemic, millions of scheme workers, including ASHA, are pushed to the sidelines and are languishing in a system that appears to be thriving on the forced labour of women workers, almost for free of charge. The mid-day meal scheme is one such scheme under the Ministry of Education, which is now the PM-POSHAN Shakti Nirman scheme.

In Bengal, the mid-day meal workers are organised under a state-level registered union affiliated to AICCTU, which has resolved to mobilise MDM workers of the state highlighting their precarity for

years together.

For the last two decades, 2.5 lakh workers from marginalised sections are working as mid-day meal workers in Bengal drawing a meagre honorarium. In 2013, a monthly honorarium of Rs.1,500 was sanctioned, which is still continuing without an increase of a single pie. While in Kerala, Andhra Pradesh, Odisha, Bihar, Puduchery, Maharashtra and Jharkhand, they are being paid a sum of Rs. 7,600, Rs. 3,000, Rs. 3,000, Rs.1,650, Rs. 6,458, Rs. 3,000 and Rs. 2,000 respectively, the state government under Mamata Banerjee has not increased the monthly honorarium till date. In fact, Bengal is paying the lowest honorarium in comparison to other states. Though a number of representations has been made to the concerned education department, they have not paid any heed to mitigate the economic hardship of the mid-day meal workers.

The top brass of the state education department, which controls and supervises this scheme is

now mired by grave economic scandal for illegal recruitment of primary, pre-primary and secondary school teachers after accepting mind-boggling amount of rupees as bribe depriving the legitimate candidates, who are now on the warpath. This scandal has now hit the state politics and top ministers of the cabinet are grilled every day by the CBI. Demonstrations against this highly corrupt state government have become a regular affair.

In this abnormal situation of spiraling price rise, it is imperative to increase the budgetary allocation of mid-day meal per student. AICCTU has demanded to increase the existing budget to Rs 10 per student, so that nutritious meal could be provided.

A mass signature campaign is going on among the mid-day meal workers, guardians, and members of the civil society demanding increase in their honorarium, introducing government stipulated minimum wages, recognition as workers, social security benefit, accident insurance, increasing budgetary allocation and providing nutritious meals to the students etc. This memorandum would be submitted to the Chief Minister of the State.

Meanwhile, initiatives have been taken to organise the MDM workers in different forms and small group meetings are being organised. ■

Jute Workers Convention Resolves to Fight Back

★ ATANU CHAKRAVARTY

A successful state-level convention of Jute workers was held on 23 May at Kolkata, where jute workers of different mills participated. The jute industry of the state is now in throes, passing through multiple crises. A total of 14 mills are closed in the pretext of shortage of raw materials, more than fifty thousand workers are out of employment. The skyrocketing price rise has thrown them from a frying pan to fire!

The irony is that despite a bumper crop of raw jute this year, a powerful section of raw jute traders in tandem with the speculative owners of jute mills (quite a number of owners being jute traders themselves) closed their mills to create artificial crisis of raw materials. Extracting high premium from raw jute was their main target. The Jute Commissioner of India intervened at this juncture and clamped a cap on the price of raw jute at Rs 6,500 per quintal. The mill owners objected to this cap, closed one mill after another on the pretext of non-availability of raw jute, rendering thousands of workers jobless even as the pandemic was raging high. And, both the State and Central governments remained as silent observers during this grave crisis. It was accompanied by a political tussle. Arjun Singh, a history sheeter and a turncoat and now a BJP MP from Barrackpore industrial belt (predominantly

jute belt), joined the BJP on the eve of last Lok Sabha elections, after Mamata denied a ticket. An owner of a number of jute mills, Arjun Singh, was instrumental for the firing of the Minister of Textiles for clamping a price cap on raw jute and started his 'homeward' return journey to the Trinamool Congress. As a BJP MP he had considerable clout in the corridors of power at New Delhi, and the BJP, fearing of another series of desertions that might cost it dearly, was forced to roll back the cap. The Central Government, hurriedly issued a notification declaring removal of the previous price cap on raw jute. However, this couldn't stop Arjun Singh from homecoming and he officially joined the Trinamool again. The situation is now favourable for reopening of the closed jute mills and its mainly a matter of time.

The convention unanimously adopted 27-point Charter of Demand of jute workers and a campaign will be launched in the entire jute belt of the state on the same demands. It has been decided that four district level workers conventions will be held in the month of June at Howrah, Hoogly, 24 Parganas (North) and 24 Parganas (South). Grassroot level programmes including department and shop level meetings are to be held as a preparation towards a higher phase of struggle.

The representatives of different Central Trade Unions emphasised on the need to fix grade scale, and to enhance the existing abysmally low wages of jute workers that has become a main obstacle for recruiting new and young workers in the industry. Dearth of workers due to low wages in both tea and jute is telling upon the productivity and viability of this labour-intensive industry of the state.

Engaging huge number of informal labour force, sans social security benefits, that is not reflected in the muster rolls have become a consistent problem of this industry where law of the land is mercilessly evaded. As yet, no steps have been initiated by the labour department or law enforcing agencies against these erring mill owners. This industry is plagued by a disease of huge default (dues) of PF - ESI and gratuity accounts. Though enjoying a captive market of guaranteed orders from the Central government, the owners of the mills are not interested in modernising the age-old machinery, rather they want to extract super profit within a short period of time. Of late,

new machines are installed in some mills, invariably reducing the workforce. As the man-machine ratio is not fixed based on any industrial norms, this indiscriminate modernisation has become a bone of contention too.

Mazahar Khan, state leader of Bengal Chatkal Mazdoor Forum (AICCTU), and secretary of Agarpura Jute Mills Union, was the first speaker of this workers' convention. He exposed the cruel side of oppression, complained that the management is engaging bouncers, threatening workers and is forcing them to accept humanly impossible workload norms. Workers of other jute mills expressed their plight and predicament and all the speakers in unison felt the necessity of fighting this battle unitedly and with all the might.

All the trade unions of the industry participated in this convention. ■

Tamil Nadu

TUTICORIN PORT CONTAINER DRIVERS STRIKE

★ T. SAGAYAM

The container lorry drivers union of Tuticorin port, affiliated to AICCTU, led by the Port leader Comrade Sagayam and the state president Comrade Sankara Pandian, struck work on 28th and 29th May on the issue of the death of a worker, who was a crane operator, while on duty in the DBGT terminal owned by a private company. All workers in that terminal went on a strike against the Port administration and the company management demanding compensation and enforcement of safety rules. The port and the company declined to accept the demands.

In such a situation of deadlock in talks between the management and the terminal workers, the Container lorry drivers union, affiliated to AICCTU,

joined the strike in solidarity with the striking workers and at the same time raising the demands of container drivers who were suffering because of lack of basic amenities in the Port.

AICCTU demanded a compensation of Rs 25 lakhs to the family of the deceased and also employment to the heir of the deceased.

Hundreds of container drivers were stranded inside the port, because of terminal workers strike, without being able to load and unload export - import items that were carried in the container and the ship. Moreover, there were no basic amenities, including drinking water, toilets, canteen, etc., available inside the port for stranded drivers.

It is in such a situation, AICCTU joined the strike of terminal workers combining the demands of container drivers as well and upheld the unity of workers. Containers stopped running and were parked inside the port and also outside the port, in the entire city of Tuticorin. The operations of the Port came to a grinding halt for two days.

Finally, because of mounting pressure by AICCTU, the management and the Port admin agreed to concede a demand of Rs 10 lakhs compensation and a job to the family of the deceased.

On the issue of container drivers too, the Port admin agreed to provide drinking water immediately and scheduled a meeting with the Port higher officials

to resolve other issues.

The militant solidarity strike by AICCTU for two days forced the admin to resolve the issues of the deceased and also the issues of container drivers. This is considered to be a model of solidarity struggle of permanent, contract and other workers which otherwise would have resulted in some kind of antagonism among workers. The situation was turned into a united struggle because of AICCTU intervention. AICCTU and CPIML leaders Comrades Sivaraman and Murugan also played a key role in making the strike successful.

AICCTU salutes the workers and container drivers for the militant, united struggle of all workers. ■





All India Central Council of Trade Unions

Workers Resistance

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