



WORKERS RESISTANCE

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Call for a Bharat Bandh on 27th September 2021

RESOLUTIONS PASSED AT ALL-INDIA CONVENTION OF SAMYUKT KISAN MORCHA

(An all-India convention of mass organizations was held on the call of Samyukt Kisan Morcha (Joint Platform of Farmers), spearheading the farmers' movement for last 9 months, at Singhu Border of Delhi on 26 and 27 August, 2021. The convention was attended by representatives of organizations of farmers, workers including agriculture workers, women, youth, students, rural poor and tribals. 26th August 2021 marked the completion of 9 months of historic farmers' movement)

Resolutions

This Convention, having discussed and considered (1) the impact of the 3 pro Corporate farm laws, the New Electricity Bill 2021 and the Commission of AQM in NCR and Neighbouring Areas Act and the Govt.'s failure to address the legal rights for procurement of all agriculture produce at an MSP as per Swaminathan Commission; and (2) the sustained, intense and rising anger of farmers, agriculture workers and other sections of working people,

"has unanimously resolved to intensify its agitation all over the country and to call for and rally all farmers and working people for a one day Bharat Bandh on 25th of September, 2021".

This Convention calls upon all farmers and supporting organizations to put in full efforts to make Sanyukt Kisan Morcha rally at Muzaffarnagar on Sept 5 an unprecedented success and to take Mission UP/ Uttarakhand to the grass roots in all villages.

This Convention also calls upon all farmers to start the process of forming Sanyukt Kisan Morchas in all states and districts and along with supporting organizations to intensify



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Muzaffarnagar 'Kisan Mahapanchayat'

the movement all over the country by holding state and district level conventions, rallies, enforce no toll extractions by toll plazas and to protest against leaders, MPs, MLAs of BJP and its NDA allies, for refusing to accept the patriotic demands of the farmers of India.

This house understands that the Contract Farming Act will enable the Govt. of India to compel Indian farmers to sign unfair and unequal contracts with big Corporate and MNCs to only grow crops which are of commercial value to the companies; deprive farmers of their freedom to grow food crops; force them to buy costly inputs and mechanized farm services sold by the contracting companies; force farmers to engage in separate agreements with debt institutions for money to pay for inputs by mortgaging land and other assets; make them suffer losses as actual prices paid will be determined after assay of crops; will establish a series of middlemen as per terms in the contract to supervise fulfilment of contract conditions; and will shift cropping pattern in entire districts or its parts as per allotment to Companies.

This house also understands that the Mandi (market) Bypass law will allow private food corporations to get powerful middlemen, Agriculture Cooperative societies, Farmer Producer Organizations to establish electronic trading platforms and offer the lowest prevailing on line rates; it will deny any purchase at the MSP declared by the Govt.; that these Corporations will be free to procure and hoard food crops; that the Govt. will promote these 'alternate' channels of trade, meaning thereby that it will not support the Govt. mandis and procurement at MSP rates; that these private mandis will charge their own levies as well as decide the rules and guidelines of fair trade; that it is these rules which will form the basis of settling all legal disputes; that through control of mandis and

trade the Corporations will set the benchmark for high rates of inputs and services and low rates for crops; that they will control entire food chain from crop purchase, storage, transport, processing and marketing of packed and processed foods.

This house is shocked to note that the ECAA removes food from list of essential items; gives freedom to raise price of cereals, pulses and oilseeds by 1.5 times each year and of vegetables and fruits to 2 times; with no Govt. procurement, supply of food grains in PDS will stop, which as per WTO conditions has already been on the cards; it will allow unlimited stocking and black marketing of food by Multinational and Indian Food Corporations.

The house discussed the new Electricity bill which withdraws subsidized energy supply for agriculture and rural households; threatens to more than double the electricity rates and will allow charging of commercial rates for household businesses.

The house rejected the prosecution of farmers, imposing heavy fines and imprisoning them under the Commission of AQ law for NCR and Adjacent Areas, in the name of causing pollution even though stubble burning has a miniscule role if any in NCR's Air Quality.

The house considered the issue of legal guarantee of purchase of all agriculture produce at MSP of C2+50% for all produce and understood that to ensure this the Govt. should bring down prices of inputs and services, correctly evaluate the cost of production with inputs from the farmers, declare MSP of C2+50% for all agriculture produce, regulate its Export-Import and other policies to ensure that farmers get this price and provide for procurement of all crops that sell below the declared price.

The house noted that though the farmers of India have built a massive, democratic and peaceful movement to make the Govt. see reason, but in its blind commitment to serve the interests of Corporate profits the Govt. has stubbornly refused to see logic.

That all proposals of the Govt. to make changes in these laws provide no answer or relief to the farmers' apprehension of Corporate takeover of agriculture production, processes and markets; to their suffering loss of their land and livelihood; and to the damage which will be caused to the country's Environment, Ecology and Biodiversity.

That farmers have been extremely peaceful in protests despite serious provocations caused by the RSS-BJP, and the Govt. is making baseless and false charges and is falsely implicating patriotic farmers under draconian laws.

That this historic movement has united people across religions, castes and regions and has inspired huge participation by all oppressed sections of people against their exploitation by big corporations; and that it has inspired confidence of the people of India to remain united and steadfast in struggle against fascist onslaught of this pro Corporate Govt.

Drawing all these lessons, this Convention calls upon the people to India to come forward and make Muzzafarnagar rally of Sept. 5 a success as well as organize a massive All India Bandh on the 27th of September, 2021, the anniversary of the first Bharat Bandh of this movement and the date on which the protest completes 10 months of peaceful sit-in at Delhi borders.

Session on Industrial workers and Trade Union struggles

This Convention of farmers has noted with regret that pursuant to its pro Corporate, pro MNC policies the Govt. of India has in this period launched several attacks on other working sections of Indian society. It has enacted the 4 labour codes which undermine rights of industrial workers; it has driven severe increase in prices of petrol, diesel, cooking gas and fertilizers amongst others; and it is moving to withdraw PDS rations and convert it to cash transfer scheme. We support all struggles of the people on these issues.

Session on Agriculture workers, rural poor and Tribals

The Convention has noted with regret that the Govt. of India has been forcing displacement of tribals to hand over forest and mineral wealth for Corporate loot and has failed to implement the Forest Rights Act 2006; it has failed to implement MNREGA as per law and it pays much below the minimum wages; and it is continuing with forced Acquisition, failed

to implement LARR 2013 and has withdrawn from granting land rights to the rural poor. We support all struggles of the people on these issues.

Session on Women, Students, Youth

This Convention has noted with regret that the Govt. of India is encouraging Corporate take-over of all small business by various measures; it has allowed increased attacks on Women, their democratic rights and freedom and has been encouraging regressive Manuvadi forces in society; and it has been withdrawing from its social responsibilities towards the underprivileged and has been encouraging privatization of health and education, distancing it from the reach of the poor. We support all struggles of the people on these issues.

Resolution on Communalism

The Convention unanimously condemns RSS-BJP's communal game plan to attack minorities and create a communal strife in order to remain in power. Having miserably failed to solve problems of the people and having dedicatedly indulged in serving Corporate interests, it is making desperate efforts to vitiate communal harmony and democratic fabric of the country. This communal polarization by RSS- BJP is a serious violation of the Preamble of our Constitution which is secular and democratic. This Convention pledges to unitedly fight the communal design of these anti people, communal forces.

Resolution on Privatization

This Convention strongly condemns and opposes the attempt of the RSS-BJP Govt. at the centre to privatize several public sector and Govt. assets to the Corporate and MNCs. These include Railways, Power Sector, Natural gas resources, Telecom projects, Food storage, Insurance, Banks and other valuable assets. These are the property of the people of India and have been built with their efforts and their money. This will lead to massive rise in unemployment. RSS-BJP is continuing on its path of service to the Corporate and MNCs while attacking the people. This Convention pledges itself to supporting all struggles against this Corporatization of India's natural resources and public sector wealth. ■

25th Report of the Standing Committee on Labour:

Scathing Indictment of Central and State Governments

CLIFTON D' ROZARIO

The devastation of the working class has been fast-forwarded during the Covid pandemic. Record level unemployment and a failing economy prior to the pandemic were further accentuated by the authoritarian imposition of the ill-thought lockdown, with the ILO reporting that about 400 million workers in the informal economy were at risk of falling deeper into poverty. The intervening period between the first and second coronavirus waves saw a continuing sharp drop in the labour participation rate. The Centre for Monitoring Indian Economy (CMIE) has concluded that while the lockdowns could have denied people from seeking employment thus causing a fall in labour participation, the major concern was the existence of an economy that simply could not provide employment to large numbers who sought work. CMIE predicted that job prospects looked bleak in 2021-22, and suggested the government to provide support to absorb some of the stress on livelihoods. Its report titled 'State of Working India 2021' has documented the dire state of workers in India, and concluded that 230 million additional individuals slipped below the poverty line, defined by the national floor minimum wage (Rs. 375/- a day). This report concluded that the pandemic has further increased informality and poverty, especially for women and younger workers.

Through this time, besides communalising the pandemic in furtherance of its core Hindutva agenda, the Union government's response has been to whittle away workers' rights. Instead of addressing the economic and public health crisis, the Union government used this pandemic as an opportunity to bulldoze through the Labour Codes in the parliament. This approach is appositely characterized by what Noami Klein calls the 'shock doctrine', which is a 'brutal tactic of systematically using the public's disorientation following a collective shock – wars, coups, terrorist attacks, market crashes or natural disasters – to push through brutal pro-corporate measures. The new Labour Codes in one fell swoop attempt to take Indian labour back to the unregulated laissez-faire days of 19th-century European capitalism. These new

legislations need to be contextualised within a larger assault on the working class which has been mounted ever since the onset of neo-liberalism. Ever since the New Economic Policy initiated in 1991, the rights of the working class have been under assault on three fronts. The first strategy par excellence, which has defined labour law, ever since its inception, has been the startling discordance between the law on the books and the law in action. Then there has been the gradual whittling away of labour protections through judicial interpretation. The locus classicus (among many others) in this hall of constitutional shame is the judgment in the SAIL and Umadevi cases, that effectively consigned guised contract and casual workers to a life-time of job and wage insecurity. The last strategy has been the gradual repeal of existing labour law protections, which has come to a head in the Code of Wages, the industrial code, the code on social security and the code on occupational safety, health and working conditions.

Alongside deliberate, criminal and calculated mismanagement of Covid-19, the Union government is relentlessly pushing forward with its privatization agenda. Most recently, Finance Minister Nirmala Sitharaman unveiled the National Monetisation Pipeline (NMP) to "unlock" Rs 6 lakh crores, apparently by handing over everything – from passenger trains to railway stations to airports, roads and stadiums – all to private companies. Let us not forget that during this pandemic, Gautam Adani became the 2nd richest man in Asia, behind Mukesh Ambani who earned Rs. 90 crore per hour during the coronavirus pandemic. In comparison, around 24% of our people were earning Rs 3,000/- per month in the same period. When the parliament was called into session in August 2021, it truly, and yet again, exposed its class character. Basic questions about the conditions of workers were responded to nonchalantly by the Modi government. The Union Government said it had no information in regard to the number of labourers/workers working in various industrial organisations of the country and that all sections of society had been impacted by the pandemic. It said that there were no manual scavenging



deaths even as it acknowledged 941 deaths of workers while being engaged in cleaning of sewers and septic tanks. There was not a single acknowledgement of the dire situation of majority of the people made destitute by the criminal mishandling of the covid pandemic, and struggling with the high cost of living and price rise.

It is in this backdrop that one needs to understand the importance of the Twenty-Fifth Report of the Standing Committee on Labour (2020-21) titled on 'Impact of Covid-19 on Rising Unemployment and Loss of Jobs/ Livelihoods in Organised and Unorganised Sectors', which was presented to the Lok Sabha and Rajya Sabha on 3 August 2021. AICCTU had submitted detailed submissions to the Committee for the purposes of this report. The Committee, in a broad sense, indicts the Union government. Moreover, it is apparent from the findings and recommendations, that the prescriptions made out by this Committee are totally at variance with the policy of the State to withdraw from protecting labour rights and its new economic policy.

Firstly, the Report is an official acknowledgement of the havoc played with the lives of people. It cites the ILO report and concludes that the Covid-19 pandemic has devastated the Indian Labour Market, dented the employment scenario and threatened the survival of millions of workers and their families (para 1.2). It has also concluded that the informal workers, both in rural and urban areas, who have been hit the most due to Covid-19 pandemic comprise the migrants, agriculture workers, casual/contract labours, construction workers, domestic workers, plumbers, painters, carpenters, street vendors, gig/platform workers etc. (para 1.3). In what is perhaps the first official acceptance of the impact on the organised sector, it concluded that due to job losses and wage reductions, during 2020, poverty shot up with the number of individuals who lied below the proposed national minimum wage increased by 230 million (para 1.4).

Secondly, the Report offers a scathing critique of the inadequate measures taken by the Modi government and state governments to counter the debilitating impact of Covid and the lockdowns. For instance, it found that the loans offered to street vendors under the PM-SVANidhi Scheme, though targeted at nearly 50 lakh street vendors could only reach 25.03 lakh street vendors, and recommended that the government must convert the loan credit amount into a direct cash grant. The committee confirmed the need for MGNREGA, which Modi in 2015 lampooned as the “living monument of your failure to tackle poverty”, and recommended increasing it to at least 200

days per year. Pertinently, in relation to the urban poor, the Committee stressed the imperative need for an Employment Guarantee Programme along the lines of MGNREGA. The Report officially condemned the Union government for the treatment meted out to migrant workers stating that: “when the entire nation was witnessing a heart-rending sight of lakhs of migrant workers walking back to their native places helplessly without anything to fall back on, it was surprising that the Ministry waited for as long as two months i.e. until June 2020 to intervene” and that too after being goaded by the Supreme Court. Of extreme importance is the finding of the Committee that as per Udyog Aadhaar Portal, the number of micro, small and medium enterprises (MSMEs) registered since September 2015 to 30 June 2020 was 1,02,32,468. However, from thereon only 35,74,914 MSMEs have been registered, which implies that the lockdowns have substantially disrupted operation of MSMEs, which employ about 85-90% of the workforce.

Thirdly, the recommendations of the Committee are a scathing appraisal of the failure of the government to address the actual problems of the working class. The Committee notes that workers in the Unorganised Sector have been the worst sufferers during the lockdowns/ shutdowns and recommends for direct cash relief to these workers. In light of the loss of jobs and livelihoods by workers in the organised sector, the Committee has recommended income support for them too. The Committee also recommends that fund allocation for health infrastructure should be increased and universal health care for all should be made a legal obligation of the Government. The Committee has hauled up the Union Government for the inordinate delay in publication of PLFS reports to gauge the rate of unemployment in the country. The Committee also doubts the efficacy of the mere issue of advisories to protect workers' jobs and wages. Finally, the committee condemns the Union government for not issuing any guideline or any scheme which makes anybody responsible for providing any employment to the wards of any person who died due to Covid.

This Report, in no uncertain terms, is unwittingly a scathing critique of the Union government as also the State governments that have opted for the “shock doctrine” as opposed to taking any credible steps to protect the workers in these trying times. Indeed, this Report represents the challenges before the working class in the face of a state that is committed to protect the interests of capitalists at the cost of workers and the people. ■

Snippets for September 2021

Challenge to Employees Pension (Amendment) Scheme, 2014 Referred to 3-judge Bench of Supreme Court

The Employees Provident Fund Organisation approached the Supreme Court in a batch of appeals against the various High Court orders quashing the Employees Pension (Amendment) Scheme, 2014. In September 2014, the EPFO had made two amendments to the EPS wherein the wage ceiling was raised from Rs. 6,500 to Rs. 15,000 and had also deleted the provision of unlimited contribution for those with higher salaries than the ceiling limit. New members who joined after September 2014 and were drawing salary exceeding limit had no option to contribute at all, and those members had to exercise the option to contribute to pension on higher wages within six months from 01.09.2014. This came to be challenged before many High Courts, which then quashed the amendments. In one of the appeals from the orders of the Himachal Pradesh High Court, the Supreme court held that the "A beneficial Scheme, in our considered view, ought not to be allowed to be defeated by reference to a cut-off date, particularly, in a situation where (as in the present case) the employer had deposited 12% of the actual salary and not 12% of the ceiling limit of Rs. 5,000/- or Rs.6,500/- per month, as the case may be."

It is in this context that the applicability of the abovesaid judgment has been questioned leading to the 2-judge bench of the Supreme Court to refer the matter to be heard by a 3-judge bench as the above judgment was delivered by a coordinate bench of 2 judges.

The Employees Provident Fund Organization and others v. Sunil Kumar B and others - SLP(C) No.8658-8659/2019 and connected cases. [LL 2021 SC 400]

Principal Employer must remit EPF if Contractor fails

The High Court of Madras noted that the Virudhachalam Municipality of Cuddalore District, Tamil Nadu, has been entrusting civil works to contractors, self-help groups and others who outsource workers, are being deprived of welfare benefits under the Tamil Nadu Municipal Services Pension Rules, 1970, whereas the regular employees were receiving the same benefits. Since the contractors had not enrolled the outsourced workers under the scheme, they were being deprived of the benefits. Therefore, the Court directed the municipality to ensure that those of its employees who are not covered by the TNMSP Rules, are extended the benefits under the EPF Act and that as a result, the municipality as the principal

employer, must ensure and verify that the contract labour engaged through contractors are paid wages in time. The Court further observed that the municipality cannot shirk its responsibility in ensuring the remittance of dues under the EPF Act.

Commissioner, Virudhachalam Municipality vs. Secretary, Department of Ministry of Labour Employment, New Delhi and Others, 2021 LLR 770 (Mad. HC)

Cook is a Worker Covered Under Employees Compensation Act

A cook working in the hostel of Rabindra Bharati Biswabidyalaya passed away due to severe injuries during the course of his duty at the university, and the legal heirs of the worker filed a case under the Employees Compensation Act, claiming appropriate compensation. The University claimed that there was no employer-employee relationship between the university and the cook as he was hired by contractors who ran the hostel, and that therefore they had no liability in the issue. However, the Hostel Superintendent in his evidence had admitted that the accident involving the death of the cook had indeed occurred and that there was a master-servant relationship. Therefore, the High Court of Orissa came to the conclusion that the cook was a worker and is covered under the Employees Compensation Act, as also that cooking was part of manufacturing process and hence provisions of the Factories Act could be invoked. The High Court upheld that due compensation has to be paid.

Vice Chancellor, Rabindra Bharati Biswabidyalaya vs. Jagannath Patra & Another, 2021 LLR 543 (Ori. HC)

PF Rules to Change from 01.09.2021

Employers will be able to credit money in Provident Fund accounts if the UAN is linked with Aadhaar. For this, the EPFO has revised Section 142 of Code of Social Security, 2020. If Aadhaar is not linked with UAN, then not only would employers be unable to deposit the employer and employee contributions to the fund, but the beneficiaries will not be able to avail the benefits of retirement fund.

Despite Aadhaar not being mandatory by the Supreme Court, these revised changes have made it mandatory for beneficiaries to link their Aadhaar to UAN. Moreover, the Central Trade Unions have been opposed to the codification of labour laws and since this revision is in pursuance of the new Code on Social Security, 2020 it must be opposed and challenged as it deprives workers of their rightful benefits under the Employees Provident Fund Act. ■



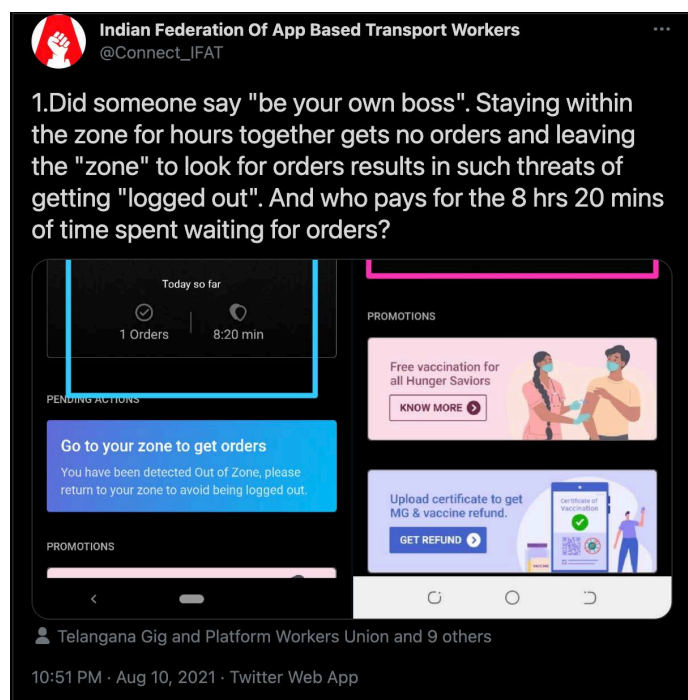
Gig Workers Take to Social Media Protest Unfair Employment Terms

AISHIK SAHA

Food Delivery workers for app-based platforms like Swiggy and Zomato have started taking to social media platforms to air their grievances against the company. The allegations point to exactly the opposite of what the gig-economy and its champions claim. Instead of freedom to work anytime and anywhere that is proclaimed by the platform companies, workers are subjected to an algorithmic surveillance regime that scrutinizes their every move. Let us take a look at the concerns raised by the workers themselves.

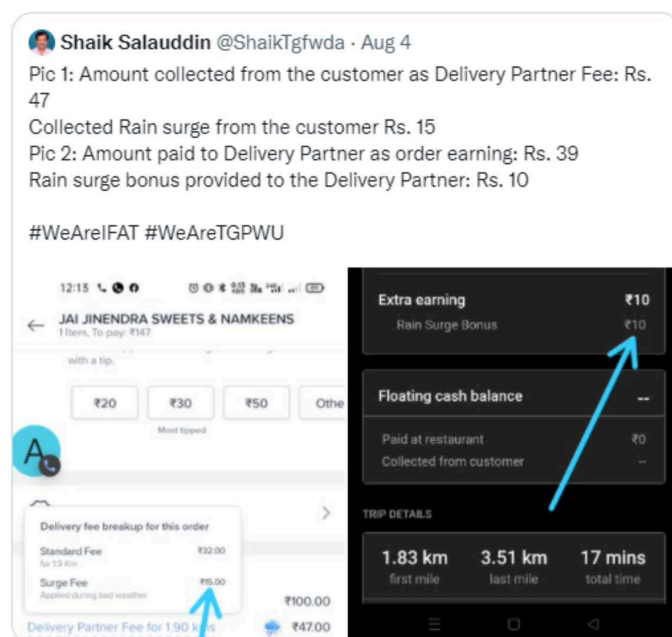
Work Hours and Zones:

While the platforms claim that workers are 'free' to choose when and where they work, the reality is that delivery workers have to wait in their respective 'zones'. If they leave their zones or do not move as fast with the delivery as the platforms expect them to, they are constantly harassed by the company's IVR calls. Similarly, the workers have to wear clothing that has the company's logo printed on them and must log in at predetermined 'work-hours'. The claim of 'freedom to work' that these companies supposedly provide their 'delivery executives' is clearly a lie.



Insufficient and Unfair Compensation:

Despite the skyrocketing cost of fuel, food delivery platforms have failed to compensate their workers



to the extent that some deliveries even cost them money. The charge collected from the customer as a fee for the delivery partner, is not reflected in the delivery partner's income in several instances. In many cases, the workers receive less than Rs 20 per order even though the platform companies claim that such low compensations are 'unrepresentative' of the general pay received by the delivery executives.

Lack of Job Security and Financial Insecurity:

The 'delivery executives' working for the platforms are not accorded any rights as 'workers' and are regarded as 'partners' by the platform companies. Asking too many questions or raising a voice against unfair payouts can result in the 'partners' having their IDs cancelled. Many workers have claimed that their IDs were cancelled without any explanation or without giving them a fair chance to state the problems that they had faced during the deliveries or dispute a complaint lodged against them by a customer. Many of the food delivery workers had taken loans from banks in order to buy bikes to join work and had no other way to pay back their loans than to continue working under such exploitative conditions. Yulu Bikes have been promoted as a 'green' alternative to regular bikes, but the serious flaws in safety features have meant that more profit could be extracted from the delivery workers without adequate compensation. Unsurprisingly, Yulu bikes have been involved in accidents met



recently by food delivery workers. Incentives for faster deliveries have also meant that the workers are incentivised to take unnecessary risks while delivering leading to accidents.

Discrimination and Harassment:

There are attempts to discriminate against Muslim delivery workers by customers. Workers have also noted how they are not allowed to be visibly present in 'posh' spaces like shopping mall food courts, despite their work often requiring them to pick up deliveries in these places. Housing complexes and societies too often prevent delivery workers from entering and require them to wait outside the gates. Other workers have protested against police harassment, especially as police find food delivery workers to be particularly soft targets for extorting bribe as they are helpless and cannot afford to delay deliveries. Delivery workers have been victims of road rage and harassment by customers with little or no recourse for their situations.

The problems that the food delivery workers are facing are ones that are reflected at various levels across the gig economy. In fact, while the platforms claim to use innovative technology to provide services and generate employment (while denying simultaneously that the workers are employees), the main 'innovation' that they engage in is bypassing labour laws by contractualizing the majority of their employees. A report by the Boston Consulting Group predicts that around 24 million jobs in the formal sector could migrate to the gig economy over the next few years resulting in greater employment insecurity. Gig workers in Europe have, in particular, been attempting to unionize and have their status as workers recognized

by the European governments rather than the contractual self-employment that governs them now. The response by the gig economy platforms of threatening to shut down all operations or attempting to change laws that would require them to pay minimum wages demonstrate exactly how the entire business model relies on exploitative labour practices.

Given the growing trend towards digitization of employment and work, there is an immediate need for labour unions and governments to regulate the ways these platforms operate. The key demands include -

- ▶ The government should recognize those employed in the gig economy as employees rather than as 'partners', extending workers' rights to them.
- ▶ Gig platforms must rationalize and clarify the structure of payouts and incentives for gig workers, taking into account waiting time and fuel cost, and a standardization of delivery time based on experience of the workers.
- ▶ Constitute a dedicated dispute resolution mechanism in order to ensure that in the event of a conflict, the worker has a right and opportunity to state his side.
- ▶ Ensure that food delivery workers aren't subjected to unnecessary harassment by police.
- ▶ Extend unionization rights to workers and provide protection from unfair cancellation of IDs.
- ▶ Provide all workers with social security benefits with clear guidelines for contribution from aggregators. ■

Being Domestic Workers in India: No Rights in the Face of Triple Oppression of Class, Caste and Gender

MAITREYI KRISHNAN



Domestic work, the labour that goes into running a house, has been probably the most unrecognised labour all over the world, throughout the history. Undermining the human hour invested in reproducing labour that generates the so called 'value' in the economy has been the most important tool of exploitation and bondage of women. Unfortunately, employing workers from outside the household for domestic work has not solved the problem of crass exploitation, rather it has added dimensions of class and caste based oppression to it. Employed in the 'private sphere' of the household, the domestic workers remain an invisible workforce standing outside of almost all forms of protection and are subject to the triple oppression of caste, class and gender.

The estimated number of domestic workers in India ranges from 4 million to 50 million according to available sources. Over two thirds of this are women. A vast majority of this number are Dalits. Increasing migration away from rural areas has resulted in a growing number of Adivasi women joining this work force.

Forms of Oppression Faced by Domestic Workers

Domestic workers are subject to discriminatory, feudal and casteist practices that have persisted over time. These include, but are not limited to, the provision of separate plates and tumblers, prohibition of entry into the Puja room, denial of access to toilets, denial of seating facilities and many more forms of humiliation. Caste plays its own role in worsening the situation for domestic workers coming from oppressed background. It is not uncommon to find a Dalit domestic worker being employed to clean the house, while a person belonging to the same community of the employer being employed as a cook. Several apartment complexes and gated communities have introduced rules that prohibit domestic workers from using the common lifts and common areas. The structures of caste hierarchy blended comfortably with capitalism when Kent RO issued an advertisement saying – "Are you allowing your maid to knead atta dough with her hands? Her hands may be infected".

These practices are nothing but forms of untouchability and are, in fact, offences under the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act 1989, but are continuing in almost every household till this day.

The all-encompassing practice of calling domestic workers as 'servants' is a part of the mechanism to deny them of their rights as working class. The most basic rights such as minimum wages, weekly off and 8-hour work days are denied to them. A few state governments have notified minimum wages for domestic workers but they remain unenforced. Compelled by extreme poverty to work for less than minimum wages, domestic workers are actually working under conditions of forced labour. They are not entitled to weekly off or annual leave and any holiday taken by them is subject to deduction from their wages. They are not paid any bonus, and, instead, are offered the old clothes of the employer. The poor wages and consequent economic necessity compel workers to engage in inhuman level of over work by serving as many as 3-5 households a day.

Domestic workers perform their work in isolation without any presence of any colleagues and in the consequent vulnerable working conditions, they face a grave risk of sexual harassment. They are notionally covered under the Sexual Harassment of Women At Workplaces (Prevention, Prohibition And Redressal) Act, 2013 but the local committee to which they are required to complain, is not set up in most places, rendering the law effectively meaningless. The lack of job security also places these workers in an extremely vulnerable position and makes it extremely difficult for them to even complain against the violation of their basic rights.

Forced Migration from Villages, Exploitation in Cities

Rural poverty and the consequent migration to urban areas has resulted in women from rural India, especially Adivasi women, being brought to cities to work as domestic workers through various "placement agencies". They work as live-in workers, effectively working 24 hours a day 7 days a week. They are not provided proper food or housing facilities and are forced to remain within the confines of the place of work with no access to the outside world. The "placement agencies" are most often unregistered unregulated bodies. In several cases, these agencies require that the wages be paid to the agency and not to the worker - effectively rendering the worker a slave.

Outside the protection of the law

As mentioned earlier just a few states notified minimum wages but these remain unenforced. Domestic workers essentially stand outside the

protection of the law as there are no legislation dealing with their rights - there are no laws to regulate working hours, leave and other rights that are routinely enjoyed by other workers.

The International Labour Organisation (ILO) Convention C189 - Domestic Workers Convention, 2011, recognizes that the domestic work is undervalued, invisible and particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights and provides for minimum conditions to ensure decent work for domestic workers. India has signed the convention but has not ratified it yet - despite several demands.

Devastated in COVID-19 Pandemic

Domestic workers have faced the brunt of the COVID-19 pandemic and the lockdown. A survey by the Domestic Workers Sector Skill Council - which is under the Ministry of Skill Development and Entrepreneurship - reports that nearly 85% of domestic workers have not been paid for the lockdown period. Several workers have lost their jobs and several of them have been asked not to come stating that they would spread the corona virus.

The Standing Committee on Labour on the Impact of COVID-19 on rising unemployment and loss of jobs/ livelihoods in organized and unorganized sector has found that the informal workers most hit by the Covid-19 pandemic include domestic workers. It finds that they have been under extreme distress due to low levels of income and savings, lack of employment security and access to government social protection. It also notes that the consequential effects of this would cause irreparable damage and that social security measures need to be strengthened and the Government should explore ways and means to put money in the bank accounts during adverse conditions like Covid-19.

However, the Central Government has taken no such steps for domestic workers. Where the State Government has taken such steps, the amounts have been minimal and the procedure to obtain them is extremely cumbersome. For instance, the Karnataka Government asked workers to apply through a 17-step online application process for a meagre amount of Rs. 2,000. Further, the Central Government has been busy pushing in laws that exclude domestic workers from protection, such as the Occupational Health and Safety Code, which specifically excludes domestic work from its ambit.

The need of the hour is for domestic workers to organize to fight collectively against the structures that oppress them be it class, caste or patriarchy. ■

U.S. Nurses Challenge the Profit Hungry Healthcare System

TAMARAI

US Healthcare System

The United States (U.S.) does not have a publicly funded health care system for the entire population. More than half of the population have private health insurance provided by their employers. Medicare is a government funded program for people over the age 65 and some disabled younger population. Medicaid serves adults with income below a designated federal poverty level. In addition to Medicare and Medicaid, there are government funded health care program for children from poor families and for veterans (such as those in the U.S. armed services). Public Citizen's report has estimated that 87 million Americans were uninsured or underinsured prior to the Covid-19 pandemic. It is estimated that by February 2021, 143,000 Covid-19 related deaths may have been associated with poor or lack of health care coverage (National Center for Coverage Innovation at Families USA analyzed research from Johns Hopkins University). A study published in the American Journal of Public Health in 2019 showed that 530,000 bankruptcies filed annually were because of the inability to pay bills from medical illnesses.

Who profited from the broken health system during the pandemic?

The New York Times (NYT) looked carefully at tax filings of 60 of the country's largest hospital chains, which received a total of more than \$15 billion from the economic stimulus package during the COVID pandemic from the U.S. government's CARES Act. The article states "And together, they awarded the five highest-paid officials at each chain about \$874 million in the most recent year for which they have disclosed their finances".

HCA Health Care, one of the world's wealthiest hospital chains, received \$5.3 billion in bailout funds, it was worth \$36 billion in 2019. Its CEO received \$26 million in 2019. Tenet Health Care, another profit hungry health care system, received more than \$2 billion in similar grants. A non-profit health system such as the Mayo Clinic, received hundreds of million dollars. Not only that some of these hospitals did not provide enough personal protective equipment (PPE), 36 out of the 60 chains that NYT looked at, laid off, cut back the salaries or furloughed their employees. The non-profit hospitals in the US do not pay federal or state taxes as they are supposed

to benefit their communities. Politico's investigation showed that the country's top 7 non-profit hospitals collected more than \$33.9 billion in 2015 while free treatment for the poor was down from \$414 million in 2013 to \$272 million in 2015. The average CEO's package of a non-profit hospital in the country is \$3.5 million. Average compensation to a CEO, over a 10-year period, increased by 93%, while for a nurse, the average compensation increased by a mere 3%.

"We went from heroes to zeroes quickly"

St. Vincent hospital in Worcester, a city close to Boston, is owned by a Texas based Tenet Health Care. This is a profit-oriented health corporation which posted profits of \$ 413 million for the final quarter of 2020. In 2000, St. Vincent hospital nurses became part of Massachusetts Nurses Association (MNA) and won their first contract after a historic strike of 49 days - when they were refused mandatory overtime and other policies that were used to avoid hiring more nurses.

On March 8, 2021, the International Women's Day, more than 700 nurses at St. Vincent hospital went on strike after trying to negotiate with the management for several months. Their demands included better nurse to patient ratio, additional support staff to help patient care, prevent patient falls and management errors. Nurses had been highlighting the unsafe conditions for more than 2 years. Prominent signs include "ON STRIKE for safe patient care" "Healthcare - Not Profits" - a reflection of the advanced consciousness of the striking nurses. The nurses received support from various socialist organizations and communities. Tenet Health Care, in the meantime, spent millions of dollars in hiring security and replacement/scab nurses and scaled back operations at the hospital. The MNA, just a few days ago, said its members at St. Vincent Hospital in Worcester were going to accept the latest offer from Tenet Health Care that addressed many of the staffing issues until the corporation said they would not allow some of the nurses to return to work at their previous positions. The two sides are expected to return to negotiations soon with a federal mediator.

In 2020, there were 8 major strikes, more than 50% of these were by nurses across the U.S. 7800 nurses, nurse assistants, lab technicians and other workers struck work against Swedish-Providence hospital, a large so-called non-profit hospital corporation in

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Seattle, Washington from January 28-30. This is a giant \$24 billion corporation with an \$11 billion cash reserve. The demands of the workers were familiar, safe nurse-to-patient ratios, reduced workloads for housekeeping staff, safeguards against racial discrimination and for fair wages. Kshama Sawant, the progressive Seattle Council Member, was among the tens of thousands of people in Seattle who stood by the workers. She said "I stand in full solidarity with the thousands of courageous nurses and other caregivers at Swedish-Providence, proud members of SEIU (State Employees International Union) 1199NW, who are standing up for our entire community". Sawant added, "... when you win, it will be a victory not just for the Swedish (hospital) caregivers, but for the entire working class in the region, and for the entire country". In April 2020, as the COVID pandemic was causing a huge devastation, the union and hospital management signed a contract which included wage increase, addition of more full-time positions to provide some relief for nurses and some racial justice initiatives.

More than 3600 healthcare workers died working on the frontlines during the COVID pandemic and nurses accounted for a third of these deaths. Nurses and other healthcare workers expressed frustration at work conditions that spurred strikes across the country in 2021. 1000 nurses held a one-day strike, in June 2021, for better wages and staffing at Cook County Hospital in Chicago, which served poor, largely African American population. The National Nurses Organizing Committee (an affiliate of the union, National Nurses United), reported that the strike was instrumental to a four-year labor contract announced on July 3. The union said that the Cook County Health agreed to hire 300 additional nurses over a period of 18-months, to put in place stronger infectious disease control and to implement wage increases.

Triumph of Private Healthcare Industry

The struggle for universal public funded health care for all in the U.S. has been a long-drawn battle. In 1945, 75% of Americans supported national health system which dropped to 21% in 1949 due to the powerful propaganda linking socialized medicine with the "communist" Soviet Union. In 1946, the American Medical Association worked with big insurance companies, hospital associations and pharmaceutical companies to defeat the Wagner-Murray-Dingell Bill and for a publicly funded national health insurance program. During the same period, the Congress of Industrial Organizations (CIO) expelled 11 unions led by communists. The passage of the Labor Management Relations Act – Taft -Hartley Act in 1947 was a big setback for the labor movement. It introduced several anti-labor provisions, including



Nurses on strike outside the University of Chicago Medical Center on Friday. More than 2,000 nurses walked off the job in the city after contract negotiations between National Nurses United and the hospital broke down. Credit...Ashlee Rezin Garcia/Sun-Times

employment-based private health care insurance programs. While unions in Europe were waging struggles for a national health care, all the energies of unions in the US were directed towards obtaining private health care benefits for their members. This restrained the working class from waging a concerted struggle for a publicly funded universal health care. The healthcare industry is not a single entity but has several competing sectors - American Hospitals Association which represents profit hungry hospitals; the private insurance companies of a whopping \$670 billion business; and also the big pharmaceutical companies. In spite of their differences, they have come together with some other groups to form Partnership for America's Health Care Future to fight 'Medicare For All' - a publicly funded national health care program.

What is to be done?

The unions representing nurses and other healthcare workers are big supporters of the Democratic party in the US which is a party representing the interests of big business. According to an analysis of data

from the Center for Responsive Politics, more than half of all contributions from pharmaceutical and health products industries went to politicians from the Democratic party during the 2019-2020 U.S. election cycle. The healthcare unions, while they play an important role, are only able to get some concessions and fringe benefits for their members. The COVID pandemic in the US, with more than 6,00,000 deaths has laid bare the inhuman state of health care in this wealthy country.

Just as the billionaires of the healthcare industry have developed a united front, it is important to forge unity among different sections of the working class across unions and also with unorganized workers. The challenge before the revolutionary parties and grassroots organizations in the U.S. is to develop a mass struggle either independent of the unions or in alliance with them. This should help to dismantle the private healthcare industry and to achieve universal quality healthcare for all. ■

Monetisation Pipeline *or* Destruction of Infra in the Pipeline?

ATANU CHAKRAVARTY

Demonetisation in 2016, 'Asset Monetisation' in 2021.

The Modi government has embarked on a programme to 'lease out' (read – sell out) all national infrastructure assets created since Independence to its friends in the private corporate sector, a programme which is euphemistically named as 'Asset Monetisation'. In other words, the government is demonetising public assets and selling the family silver in an unprecedented and unimaginable manner, with the sole aim of filling its empty coffers and profiting its corporate friends in the private sector, in the process. The Modi led BJP government has gone totally bankrupt.

Unending List of Assets for Monetisation

The assets which the government wants to sell now include several sectors – railways, roads and highways, power, telecom, ports, mining projects and airports. 26,700 km of roads, 15 railway stations, train operations and tracks will be leased out. In the power and communication sectors, 28,608 circuit kms of power transmission lines, 6 GW of hydroelectric and solar power assets, 8,154 km of natural gas pipelines and 3,930 km of petroleum product pipelines as well as 2.86 lakh km of fibre assets and 14,917 towers in the telecom sector are up for lease.

In the road sector, the government has already monetised 1,400 km of national highways worth Rs 17,000 crores. Another five assets have been monetised through a Power Grid InvIT fetching Rs 7,700 crore. 25 airports (the stakes of central govt in existing airports), 160 coal mining projects, 31 projects in 9 major ports, 210 lakh MT of warehousing assets, 2 national stadia and 2 regional centres will be monetised too. Redevelopment of various government colonies and hospitality assets, including ITDC hotels, is expected to fetch Rs 15,000 crores to the coffers.

The list is endless. Even heritage projects such as Darjeeling's toy train and Kolkata's Metro Rail have not been spared. We never witnessed such a mega sale project of this scale in the country. The backbone of the country's economy, its infrastructure – roads, rails, ports, airports, projects – are being handed over on a platter to the private sector.

Thy Name is Monetisation:

The plan of monetisation was first mentioned in the last Budget, which identified 'Monetisation of Assets' as "one of the three pillars" of the economic policy of the future. NITI Aayog was then entrusted to create a "National Monetisation Pipeline (NMP)" to serve as an essential roadmap for the asset monetisation of various brownfield infrastructure, across various sectors. The National Infrastructure Pipeline (NIP) envisages infrastructure investment of Rs. 111 lakh crores over a five years period from FY 2020 to FY 2025, pledging 71 per cent of expenditure for energy, roads, urban development and railways and entrusting a key role for private corporate investors. NIP started with 6,835 projects, which has now increased to 8,156. The projects involve around \$1.9 trillion of investment, spread over 34 sub sectors with 1,869 projects under development.

The NMP is supposed to contribute significantly towards the NIP. Roads, railways and power sector assets will comprise over 66 per cent of the total estimated value of the assets to be monetised. The estimated amount to be raised through monetisation is around 14 per cent of the proposed outlay by the Centre under NIP.

In its two volume publication, "National Monetisation Pipeline", NITI Aayog categorically mentioned two critical objectives behind this move – "unlocking value from public investment in infrastructure and tapping private sector efficiencies in operation and management of infrastructure". So, it is clear that public infrastructure that was created out of huge public investment in the past is now being leveraged for the interest of private sector. This is, in tandem, with the reckless privatisation and disinvestment drive of public and government sector by the Modi government.

The government has peddled the logic that this 'monetisation' is not tantamount to privatisation of public infrastructure. According to this argument, revenue rights are now being transferred to private parties for a specified transaction period, in return for upfront money, a revenue share, and commitment of investments in the assets.

This outright selling of national assets will fetch Rs. 6 trillion within a span of 4 years. There is, however,

no clarity on how this value has been arrived at - for instance, on whether the inflation has been taken into account or not.

Mirage of Growth and Employment Opportunities

According to the NITI Aayog, incremental annual investment of 2- 3 per cent of GDP envisaged under NIP would enable double-digit economic growth, which in turn would ensure enhanced economic activities and employment opportunities in a post-crisis economy. Let us revisit the claims of disinvestment targets made by the government in the past.

In the 2021-22 Budget, the disinvestment target was Rs. 2,14,000 crores. This was a most ambitious target we had seen till now. Three quarters of this time period have already gone, and only 5.14 per cent of the sales target has been achieved so far. The 2020-21 Budget had set a target of raising Rs. 2.1 lakh crore from disinvestment and only 15.64 percent of the total target was achieved.

Due to non- realisation of targets, the position of fiscal deficit deteriorated. It has jumped to 9.5 per cent in FY 21 and is likely to be 6.8 per cent in FY 22.

Demonetisation, GST and tax cuts to corporates to the tune of Rs. 1.45 trillion in 2019 were a series of policy disasters that battered and bruised the economy even before the pandemic. The Modi government's disastrous policies have brought the economy to its nadir. GDP shrank by 2.8 per cent in a single quarter, nose-dived by 7 per cent for the full year which is the highest drop in any major economy in the world. As a result, the government's revenue plummeted and government deficits jumped to nightmarish proportions, thus forcing the government to borrow record amounts only to meet essential expenses.

Before the pandemic, the Modi government extracted a whopping amount from RBI's contingency fund and also forced the PSUs to pay a huge amount of dividend. It has found funds to the tune of 20,000

crores for the Central Vista project, it has bought two Boeing aircrafts worth Rs. 810.23 crores and spent Rs. 3000 crores on the Patel statue. However, the same government has not imposed a COVID Tax on billionaires, and has not disbursed any money to the teeming millions devastated by the pandemic. Thus, all these claims of salvaging the sagging economy and generating employment through asset monetisation is nothing but a mirage.

Modi's fake claim

In his Independence Day speech, Modi declared a National Infrastructure Master Plan, 'Gati Shakti', worth more than Rs. 100 lakh crores. He claimed that this would provide "new employment for lakhs of youth". The same announcement was made on 15 August 2019, where again a promise of Rs. 110 crore

investments for enhancing employment opportunities were made, a promise which remains unfulfilled till date. We can only read these recent claims as the worst examples of pathological lies being spewed by the highest office of the country.



For the sake of argument, let us assume that asset monetisation would enhance new employment opportunities in brownfield infrastructure. What would be the nature of such an employment? All vendors and stalls will be evicted from railway stations and will be handed over to the corporates. The employment generated by the corporates will be nothing but contractual, precarious, low paid sans all statutory benefits. The private sector entity, as envisaged by NIP, is expected to generate returns through 'higher operating efficiencies', and such contracts include provision for transfer of assets back to the public authority at the end of such contracts. So, decent working conditions, minimum wages, social security, and to be precise, increased overhead costs will be sacrificed at the altar of profit generation. Asset monetisation, thus, will only create new groups consisting of millions of enslaved labour, the sordid signature of Modi and BJP rule. ■

The New OHS Code: Fresh Assault on Migrant Workers' Rights

AVANI CHOKSI



Despite the fact that migrant workers are indispensable to the creation of an urban city, the migrant worker as a category has been made constantly invisible. These invisible masses of workers came into the spotlight only during the brutally imposed lockdown, when the country saw an exodus of reverse migration and brutal deaths of hundreds of workers while making the long journey home. Despite their invisibility, the category of migrant workers is massive. Even as per the 2011 Census, which is now a decade out of date, the population of migrants who cited 'work / employment' as reason for migration was 11,372,887 (intra-state) and 5,850,970 (inter-state) across India.

Whereas the rights of intra state migrants are not specifically protected, the rights of interstate migrants were protected by a 1979 Statute. The Inter State Migrant Workers (Regulation of Employment and Conditions of Service) Act, 1979 [hereinafter referred to as the 1979 Act], was enacted with the intention to counter the abuse seen in the system of recruitment of migrant workers by contractors. This 42-year-old law is now one of the enactments subsumed within the Occupational Health and Safety Code [hereinafter the OHS Code], which has been passed in parliament and remains only to be notified. Unfortunately, the agenda of the OHS Code is clearly pro-corporate and capitalist. The few protections retained seem more for name-sake value than anything else. A number of

vital provisions have been deliberately excluded to deprive migrant workers of their rights.

When looking at the differences between the Code and the 1979 Act, the most dramatic difference is the reduction of coverage by defining increased applicability from establishments with 5 or more interstate migrant workers to establishments with 10 or more interstate migrant workers. This seemingly small change has massive consequences. As per the 6th Economic Census conducted in 2013-2014, around 55.86 million establishments (95.50%) had 1-5 workers, around 1.83 million establishments (3.13%) had 6-9 workers, while 0.8 million establishments (1.37%) employed 10+ workers. Of course, this would not precisely reflect the proportion of establishments with over 5 or over 10 interstate migrant workers. Regardless, it is clear that there are a huge number of smaller establishments, and migrant workers in such establishments would now be deprived even of the small protections in law.

The OHS Code includes the category of inter state migrant workers within the definition of contract worker. Therefore, many of the provisions in the 1979 Act are no longer specifically provided to migrant workers but are subsumed within general rights of contract workers. However, we must note that even those rights are heavily diluted. Take the welfare facilities under sections 23, 24, and 53 of the OHS

Code - they have by and large been made subject to discretion of government and are not mandatory. For example, provision of drinking water and crèche which were previously mandated under the Factories Act are now subject to the discretion of the government. Importantly, the specificity of the 1979 Act allowed for the specific inclusion of recruiters in the definition of contractor, which resulted in its increased liability. However, no such inclusion has been made in the OHS Code.

Importantly, the definition of inter state migrant worker of the OHS Code now includes not only those who are recruited from another state, but those who have come by themselves to another State for employment. On one hand, this can be seen as beneficial, since it increases coverage to some extent. However, this change is accompanied by the deletion of a number of entitlements under the 1979 Act.

Some of the entitlements under the 1979 law that have been deleted include the following:

- The right to displacement allowance of 50% of monthly wages
- The right to journey allowance and wages for the time of journey.
- The right suitable residential accommodation
- The right to protective clothing

Not only this, but the mandate under the 1979 Act of furnishing details of interstate migrant worker to the home state and the host state is done away with. Significantly, the requirement of providing each interstate migrant worker with a passbook with details of the name and place of the establishment, the period of employment, the proposed rates and modes of payment of wages, the displacement allowance payable, and the return fare payable to the workman on the expiry of the period of his and deductions made is now gone.

Another noteworthy change is the lack of a mandate to equal treatment to migrant and local workers in the OHS Code. Section 13 of the 1979 Act, which mandates equality in wage rates, holidays, hours of work and other conditions of service is sought to be replaced by section 60(iii) of Code, which requires the employer or contractor to extend all benefits to such workers which are available to a worker of that establishment including statutory benefits such as ESI and PF. Wage rates, holidays, hours of work, are conditions of service and are not benefits, and might not fit into Section 60(iii).

The regime of inspection has also been heavily diluted in the Codes, with the introduction of an Inspector-cum-facilitator, a web-based inspection model and randomized selection of establishments for inspection. There is also a lessening of penal

consequences for violations - for example, the imprisonment period for obstruction of inspectors is reduced from 2 year to 6 months. Most vitally, under section 110 of the OHS Code, there would be no prosecution without giving opportunity for compliance, and in case of compliance, there would be no penalty. Compounding of offences is allowed, with the compensation amount going into a general fund and not to the worker who had faced violation of rights. The 1979 Act itself was rarely implemented. And now its provisions lie significantly diluted. However, the deletion of entitlements in law must be seen as a drastic political shift, and which is reflected not only in regard to labour but also in the context of farmers, environmental assessments, land rights etc.

Of course, the Code does bring in a few new aspects around migrant labour. Most have no inherent benefit. For example, Section 21 of the OHS Code provides for the government to maintain a database of interstate migrant workers in a form and manner as may be prescribed by the Central Government. There is no clarity in the contents and scope of this database. The creation of a database is not per se helpful to migrant workers, and may, and in these times almost certainly will, be used to their detriment. While the database will include the category of self-employed migrant workers, their recognition is limited to this aspect, and no further mention of them is made.

Other new introductions in sections 63 and 64 of the OHS Code are Toll Free Helpline and Study of interstate Migrant Workers. However, these are not made mandatory, but are left to the discretion of the appropriate government. Many states did indeed create toll free helplines during the pandemic. Effectively, these provisions are absolutely lacking in force and totally unnecessary except for a display of sham benevolence.

The OHS Code was brought through parliament at the crucial juncture of pandemic, when migrant workers were seen as a category of people whose dignity was being trampled upon by the State and whose very right to life was imperiled. The natural act of a country that was concerned with the interests of its people would be to tighten the law in favour of the workers to ensure some level of social and economic justice. On the contrary, what is seen is further liberalization, prioritization of 'ease of doing business' and destruction of hard won rights. ■

In Service of the Naked King: Use of UAPA, Sedition and Criminalisation of Working Class Struggles

MAITREYI KRISHNAN

Unlawful Activities Prevention Act, 1967 (UAPA) has become the go-to weapon to intimidate and harass anyone opposed to the Modi government's core agendas of Hindutva and aggressive neo-liberalism. The arrest of lawyers, intellectuals and activists in the Bhima Koregaon case and the institutional murder of Fr. Stan Swamy yet again highlighted the highly draconian nature of the UAPA and the manner in which it is used to stifle any form of dissent. The past couple of years have seen the BJP deploy UAPA against scores of human rights activists, student leaders, journalists, intellectuals, Dalits and Adivasis based on frivolous ground. UAPA is clearly being used as political weapon by BJP to further its hateful anti-Muslim agenda and to silence those who speak for the country's people, dalits, women and working Class. Unsurprisingly, there has been a 72% increase in the number of arrests made under UAPA in 2019 as compared to 2015. Filling up the country's jails with people from oppressed and poor background, thus, is an 'achievement' of the BJP government.

UAPA Against the Working Class under BJP regime

Between January and February, 2018, 5 workers, Shri Shankar Gunde, Shri Ravi Marapalle, Shri Babushankar Vanguri, Shri Satyanarayan Karela and Shri Saidulu Singapanga, belonging to Dalit community, working as contract workers at Reliance Energy Ltd. And also members of the Mumbai Electric Employees Union (MEEU) from its inception, were arrested by the Anti-Terrorism Squad. Initially arrested, allegedly with connection to the Bhima Koregaon, subsequently,

allegations were made that they were part of the Communist Party of India (Maoist).

Four of them were released on 5th January, 2019 after the High Court granted them bail since

the Anti-Terrorism Squad failed to file chargesheet within the prescribed period. Shri Saidulu Singapanga was released after the Bombay High Court allowed his bail application on 5th May,

2021, 3 years after his arrest, finding that no prima facie case had been made out against him. It is necessary to mention here that the workers were initially represented by Adv. Arun Ferreira, who himself was arrested in the fabricated Bhima Koregaon case under UAPA. What can be a clearer manifestation of the fact that the UAPA is being used by those sitting in power to deny people of their freedom of expression, right to association and the right to be fairly represented in front of judiciary!

In various statements, the workers said that the police beat them badly and that they had to be regularly taken to the hospital. They said that the police told them "Your union's tactics show that it's a Maoist union. You people are engaged in anti-national activities. Why do you use words such as 'Comrade' and 'Lal Salaam'? You extort money from contractors and send it to Maoists." In fact, while opposing the bail application of Saidulu Singapanga, one of materials referred to is an analysis of a Facebook post written as 'Lal Salam, Lal Salam'. One of the allegations made is that the workers deliberately stopped the work of Reliance Energy Company for one day, revealing the manner in which the State criminalizes any



form of working class organizing.

The struggle of workers, which began in 2005, would resonate with contract workers struggles across the country. The five workers have been working with Reliance Energy Ltd. for nearly two decades. Despite working for such a long period, they and other workers were guised as “contract workers” with completely insecure working conditions. The workers were compelled to work under hazardous conditions and most contract workers worked without any safety equipment, resulting in deaths and serious injuries due to electric shock. It was against such precarious working conditions and for the basic rights of workers that the union fought.

The neo-liberal state pushed workers into extremely precarious conditions of work, promoting contractualization and informalization of the workforce with high levels of job insecurity. Any organizing of workers seeking humane working conditions were met with resistance. The corporate sector is using the state apparatus, including the police force, as if its ‘private militia’ against such organizing.

The UAPA, which effectively criminalizes thought, has in the recent past been used to drum up hyper nationalism, calling all those who resist corporate plunder and the fascist face of the state as “anti-nationalist”. With the coming of the new Labour Codes, the BJP government has made clear its intent of destroying even the most basic rights of workers. The use of the UAPA – which allows for long period of pre-trial incarceration, without bail on flimsy grounds – against the Mumbai Electric Employees Union shows the heights to which the Government will go to destroy workers struggles.

Sedition law (Section 124A of the Indian Penal Code) is another draconian law that has been deployed rather liberally by the Modi government. Interestingly, in 1922, Gandhi had been charged for sedition on account of his articles in his weekly publication, Young India; during this trial, he famously described sedition as the “prince among the political sections of the Indian Penal Code”, knowing very well that this was merely a tool designed by the colonial British to suppress the freedom movement. This relic from the colonial times has been joined by UAPA and other draconian laws that ought to have no place in a democratic republic. The urgent need of the working class movement is to stand up against these draconian laws and to demand for their immediate repeal. ■



Growing Food Insecurity During Covid-19 Pandemic

SAURABH NARUKA



With unemployment and underemployment touching record levels and food inflation on the rise amidst the Covid Pandemic and lockdowns from March 2020, it is common knowledge that food security in India (which is placed at the 94th position out of 107 countries in the recent Global Hunger Index, GHI) has taken a further dip. This is happening at a time when the BJP government is forcibly implementing three Farm Bills which will further put India's food security in jeopardy by pushing even procurement and distribution of food grains completely in the 'market' domain. Public procurement of food grains through the APMC Mandis and MSP mechanism lies at the heart of all attempts to ensure food security in India. The Modi government is now seeking to dismantle this. Ironically, the same government is depending on the APMC and MSP-based procurement to make tall claims while addressing food security during the pandemic; i.e. distribution of additional 5 Kg wheat and rice per person per month under the National Food Security (NFS) scheme after the lockdown in March 2020 and in April and May 2021. We will attempt to analyse the food security situation in India and the claims made by the government.

Food (In)Security During Covid

In the period immediately following the lockdown in March 2020, the government used its buffer stock of food grains amounting to 58.4 million tons and pulses 3 million tons (obtained through the traditional APMC Mandis) to provide an additional 5 Kg per person/month to 80 Crore beneficiaries (as per government claims) under the Prime Minister Garib Kalyan Yojna (PMGKY). These claims however should not be taken in face value. As per the [figures put out by the government](#) for the month of August 2020, the distribution of food grains under PMGKY is shown as 28,07,699.31 MT. If the number of beneficiaries was indeed 80 Crore, the food grains distribution per person/per month comes to only 3.5 Kg. And if the total food grain distribution quantity is accepted, and if it is assumed that each beneficiary received 5 Kg per person/month, then number of beneficiaries can only be 56.15 Crore. The story has not changed much this year too. If one looks at data for July 2021, either the food grain distribution per person/per month was only 4.27 Kg or the number of beneficiaries was only 68.36 Crore. In either case, it is clear that one cannot depend on all claims made by the government.

The horrific fact that migrant workers faced last year was one of the starkest indicators of the lack of food security in India. As we know all too well, within 2-3

weeks of the national lockdown, the nation witnessed the scene of crores of workers walking back hundreds of miles to reach their native state as the government machinery failed to reach them with ration and basic necessities needed for survival. The relief measures announced by the Central government were clearly not sufficient, as even those with NFS ration cards were finding it difficult to sustain their families, what with loss of earnings and absence of minimum quantities of essential food items which should have reached them through the PDS system. At best some rice or wheat was made available, but not other essentials like dals, oil, spices and sugar.

Days after the migrant crisis had hit us badly, the finance minister Nirmala Sitharaman announced an additional support of Rs. 3500 crores to provide for 5 Kg of ration per person and 1 Kg of dal per family to 8 Crore migrant workers even if they don't have ration cards. What do these figures mean? It translates to a measly outlay of Rs. 437.50/per migrant worker, which is equivalent to a single day's wages for unskilled work. During the second wave of Covid this year, there was no national lockdown but several states announced lockdowns and different types of restrictions. Using the excuse that there was no national lockdown, the central government its offer of 1 Kg of dal per family per month under the PMGKY, thus increasing the rampant food insecurity in the country.

Insufficient Quantum of Relief of Food Grains

According to a report in the Economic Times, the COVID-19 pandemic impacted all four aspects – availability, access, stability, and utilization – of food (Economic Times, 19 July 2020). As we have seen, the government extended inadequate relief. If one uses the official data on costs of procurement, transport and distribution, then the government has spent a paltry Rs. 2812.50 per person during the entire pandemic period (21 months from April 2020 to November 2021), even if one were to assume that the government actually provided 5 kg of food grains per person per month to 80 crore beneficiaries. This translates to an estimated expenditure of Rs. 14,062 for family of five, i.e. less than Rs 15,000 or around Rs 670 per month per family of five for the entire pandemic period. This amounts to less than the earnings of the two work days every month for most workers working in metro cities. People who have lost several months of wages receive this paltry amount to compensate. This is the reality behind the much celebrated 'food security' provided by the Modi government. This, in a situation wherein food grains alone cannot sustain families; 75-80 per cent of expenditure on food is through open market purchases where food inflation has already taken a toll.

Food Inflation

The food crisis situation was made even worse by rising inflation caused by supply side bottlenecks and impact on logistics due to the lockdown situation. India's food inflation zoomed to over 11 per cent in October 2020 from 10.68 per cent in September that year. This pushed retail inflation to over 7 per cent. Food and beverages have the highest weightage of over 45 per cent in the overall retail inflation index (The Print, 18 November 2020). For two straight months, May and June 2021, retail inflation as measured by the Consumer Price Index (CPI) grew on the back of higher food and fuel prices, and remained higher than the Reserve Bank of India's upper tolerance level of 6%. This soaring inflation due to persisting supply side issues and bottlenecks has not given any respite to the poor.

Adding Fuel to Fire: Stopping NFS Registrations in Rajasthan

The pandemic brought several families who were otherwise surviving without the NFS scheme to the brink of destitution. Instead of increasing the scope of NFS in this dire situation, the government of Rajasthan did the opposite. It has put new NFS registrations on hold for more than one year, adding to the exclusion of people from much needed state support. According to the state government, the number of beneficiaries allowed by the central government under the Food Security Act (4.46 crores) has already been crossed in the state; Rajasthan has 4.82 Crore NFS beneficiaries (Indian Express, 2 October 2020). According to the Food Security Act, coverage is meant to be eventually extended to 75% of the rural population and 50% of the urban population (around 67% of the total population). Currently, approximately 57.3% of the population is covered. Moreover, since coverage is not universal and updating of beneficiaries takes place only once a decade after the NSS surveys, lakhs of families are left in the lurch. At a time when a more relaxed approach towards inclusion of beneficiaries was the need of the day, the system is following a process of continued exclusion. The need of the hour is to move towards a universal PDS system, where an exclusion criteria is laid out (government job, large land holding, building holdings etc.) rather than an inclusion criteria. This should be accompanied by a vast strengthening of the public procurement system in terms of quantity as well as variety of crops. The Modi government is, instead, taking the opposite route. ■

Objections to the Draft Industrial Relations (Jharkhand) Rules, 2021

[Some points of AICCTU objections to the Draft Industrial Relations (Jharkhand) Rules, 2021]

AVANI CHOKSI

These Rules unfortunately commit the blunder of pushing ease of business at the expense of the working class. It is drafted shoddily and hastily, resulting in a number of safeguards being done away with. AICCTU seeks for a total overhaul and revamp of the rules in light of the fact that labour legislation is intended to be welfare legislation that protects the rights of the working class and not to defeat their rights.

Coming to the present Rules under discussion, it is necessary to note that the Industrial Relations Code, 2020 mandates prior publication of Draft Rules in order to ensure that the necessary and affected 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 making of delegated legislation cannot be understated. It is clear that prior publication is not intended to be publication in name only, but plays a valuable role. The initiation of such a consultative process in the midst of a global pandemic is tantamount to non-consultation, and, is exclusionary of the vast majority of stakeholders. At the present time, the working class is facing an unmitigated assault on their rights, as well as the brunt of the impact of the pandemic and lockdowns.

Before coming to the discussion of the Rules in question, it is necessary to reiterate our very strong objections to the IR Code itself. The entire Code heavily reduces the protections available to the working class, through targeted attacks on trade unions, attacks on freedom to organise and strike, creation of a category of 'fixed term employment', etc.

Substantive Objections to the Draft Rules

A bare reading of the Rules makes it clear that, in the name of ease of doing business, a large number of procedural safeguards and regulatory mechanisms have been dismantled. At the same time, through seemingly minor changes, the Rules have been tweaked to favour the Management as opposed to the workers in numerous ways.

One major change brought by the Rules is the



conversion of a number of manual procedures, including the filing of complaints and documents, communications, notices, payment of fees, to an electronic mode. This is especially serious when no option has been given to the worker to prefer a physical mode, and when it is mandatory to conduct procedures electronically only. There are a number of other similar provisions converting manual procedures to electronic. This new mandate to comply with procedures electronically denies the opportunity to a large number of workers who are poor and do not have access to online procedures. At the same time, many workers are not tech-savvy enough to effectively comply with the new requirements. Therefore, these rules are effectively only for the convenience of the management and at the cost of the workmen. It is demanded that there should, in all provisions, be a non-electronic alternative provided to parties to choose at their discretion. Moreover, in all provisions where parties are to receive notice/ documents/ communications electronically, a hard copy of the same must also be sent and rules regarding receipt of post. These comments apply specifically to -

Rule 5 – Application by aggrieved worker

Rule 23 – Annual return

Rule 36 – Filing of Appeal

Rule 39 – Application for modification

Rule 42 – Manner of notification

Rule 46 (7) – Service of statement

Rule 46 (14) – Communication of Award
 Rule 46 (17) – Payment of Fee electronically
 Rule 47 – Strike notice
 Rule 61 - Complaint by aggrieved worker

Certain specific Rule-wise comments

1. Rule 2

Under this Rule, all the procedural safeguards in respect of signing of memoranda of settlement have been done away with. These safeguards, which were contained in Rule 61 of the ID (Jharkhand) Rules include the following requirement:

“61 (2) The settlement shall be signed by— (a) in the case of an employer, by the employer himself, or by his authorised agent, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the corporation (b) in the case of workmen, either by the President and Secretary of a trade union of workmen or by five representatives of the workmen, duly authorised in this behalf at a meeting of the workmen held for the purpose.

The removal of procedural safeguards in the name of ‘ease of doing business’ can have devastating consequences. Without such a safeguard, even one authorised person can sign on a memorandum of settlement, instead of the present requirement of 5 people. The safeguards in Rule 61 of the ID (Jharkhand) Rules must be brought back

2. Rule 3

A vast number of procedural safeguards previously contained in ID (Jharkhand) Rules in respect of Works Committee have been done away with. These provide for procedures for elections, nomination of candidates, voting, quorum etc, and are vital to ensure that the Works Committee can have fair and democratic representation. Moreover, while the works committee was mandated to meet at least once a month, this has been changed to at least once in 3 months. It is submitted that to condense the 21 provisions encapsulated in Rules 40-60 of the ID Jharkhand Rules into the instant single rule is to essentially do away with the fairness, independence and utility of the works committee. It is demanded that all prior procedural and substantive safeguards be brought into the draft Rules.

3. Rule 4

This Rule, which deals with Grievance Redressal Committees is vital since all individual disputes

will be dealt with in these committees. However, the manner of choosing representatives is highly unclear. It is necessary to note that in terms of Rule 4(2), in case of a registered Union being in existence, all worker representatives will be chosen by it, even if the Union is not the majority union / supported by the workmen. However, in terms of Rule 4(5), representation is given to both members and non-members of registered trade Unions. A similar mechanism such as that involved in selection of Working Committees as per the ID (Jharkhand) Rules are required to be brought in, to ensure that the objective of the GRC may be met. It is vital to ensure that worker representatives are not employer stooges, which would defeat the system envisaged.

4. Rule 15

Rule 15, while providing a number of matters that the negating union/council and the employer may discuss fails to mention important matters including the employment or non-employment of any person, permanency of workmen, overtime work and other such necessary matters, which should be specifically mentioned rather than being covered under the miscellaneous clause. Another issue is that ‘hours of work’ has been included as a matter to be discussed, which appears to be a ploy to do away with the mandated 8 hours of work, and cannot be permitted.

Rule 15(3) effectively places control of verification in the hands of the Management. The Rules formalise unions that are management-sponsored. Giving powers to the Management right from the appointment of the verification officer to the preparation of the voters list to the manner of verification is absolutely improper and against the principle that the management must not interfere, in any manner, with the functioning of any trade union. These Rules provide for a complete interference of the management in union activities and organizing. The employer taking an active interest in organising a union in itself is an unfair labour practice, which is being formalized by the Rules. The employer certainly cannot have the right to decide the eligibility of a union and to check its membership register. The Trade unions act and the corresponding new law both allow only the members of a union to check the membership register.

5. Rule 46

The Government has attempted to encapsulate the entire conciliatory and adjudicatory process that spans over years in a single Rule, resulting in a mass of very important safeguards being nullified. It is demanded that the previous model under the

ID Act and Rules be restored in toto, especially insofar as the following aspects are considered.

Rules regarding administration of oath have been done away with and must be restored.

Rules on service of summons and manner of service on numerous persons have been done away with. Perhaps it is contemplated that only electronic service will be made. All the technicalities regarding service of summons etc must be restored.

Powers of the tribunal must be restored including those vested in a Civil Court under the Code of Civil Procedure. 1908, when trying a suit. in respect of the following matters. namely – (a) discovery and inspection; (b) granting adjournment.

Power of Entry and Inspection in terms of Rule 25 of Jharkhand ID rules must be restored

Correction of errors in terms of Rule 29 of Jharkhand ID rules must be restored.

6. Rule 49

It is submitted that the system contemplated is totally ridiculous and must be done away with. The time and effort of a Gazetted Officer is going to be systematically squandered simply to send detailed notices offering composition of offenses to offenders. It is demanded that any person who seeks composition of an offence committed by him should be permitted to approach the officer in question instead of placing the burden upon the shoulders of the officer.

It is reiterated that the instant comments are only preliminary and partial and the right to give fuller comments is reserved. AICCTU seeks for a total overhaul and revamp of the rules in light of the fact that labour legislation is intended to be welfare legislation.

We seek that our comments are implemented in the spirit of a welfare oriented State. We make it clear that the present Code and rules, if implemented are not only violative of the fundamental rights of workers, but also the Directive Principle of State Policy enshrined in Article 38(2) of the Constitution that mandates the State to strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. In fact, the said Rules will only reduce workers into subjects without any rights and legalise Corporate - Raj, which is contrary to the Socialist state envisioned by our Constitution. ■



Uttarakhand ASHA Workers On Strike

Jointly led by AICCTU and CITU

KAILSH PANDEY



The indefinite strike by ASHA workers (affiliated to AICCTU and CITU) in Uttarakhand state has entered its third week as the government has taken no decision so far. The state-wide strike has been going on since 2 August for monthly salary and other demands.

The Uttarakhand ASHA Health Workers Union affiliated to AICCTU issued a statement saying that the negligent attitude shown by the state government towards the ASHA movement is shameful. ASHA union delegations have met the Chief Minister, the Health Secretary, the Director of National Health Mission and DG Health, all of whom acknowledged that the ASHAs' demands are just and gave assurances of its resolution. But no action has been taken so far, raising a question mark on the modus operandi of the government.

It should be noted that on 23 July 2021 ASHA workers organized Block level protests all over the state and submitted memorandum to the Chief Minister but the government paid no heed. On 30 July, protests were held at District HQs but still the government remained deaf and blind. Therefore, ASHAs were forced to boycott the work. Prior to this, ASHAs have been consistently bringing their problems to the notice of the state government since its formation in 2017 but till date their demands have not been heard. State-wide work boycott and protests are being held from 2 August under the call given by Uttarakhand ASHA Health Workers Union affiliated to AICCTU and Uttarakhand ASHA Swasthya Karyakatri Union affiliated to CITU.

In a statement, the union asked how much longer will ASHAs be oppressed in the name of service. The struggle for rights, safety and dignity in Uttarakhand

has reached a 'do-or-die' battle now. The movement is now united across the State. ASHA workers will remain on the streets for their wages and dignity until the government announces monthly salary for ASHAs. ASHA workers have organized this historic work boycott across the entire State and now this fight will end only after the government ends its oppression of ASHAs.

The Union further said that ASHAs, who are deployed primarily for mother-infant safety and protection, are being made to work for Covid, Pulse Polio, vaccination, family planning, dengue, malaria, ORS distribution and all kinds of surveys and campaigns. They do not get a moment to spare for their own families but the government does not pay them even a single rupee as monthly salary and do not even recognise them as workers.

During the entire Corona period ASHAs were not provided with adequate safety kits and yet they put their lives at risk to do Corona duty and for the better health of the country. A large number of ASHAs and their families became infected with Covid. Uttarakhand ASHA Health Workers Union State President Kamla Kunjwal said in Haldwani that instead of making Anganwadis do the work of ASHAs, the government should pay ASHAs the honorarium like the Anganwadi teachers. She said that the government, rattled by the ASHAs' movement, is trying to break the unity of ASHAs and is using the BJP's pocket organization Bharatiya Mazdoor Sangh for this purpose. Some ASHAs affiliated to BMS are being used to spread confusion among ASHA workers. ASHAs asked, "If the BMS was really concerned about ASHAs, why did they not resolve the ASHAs' issues with their double-engine government during the last four and a half

years?

The all-India joint platform of Scheme workers and the All India Scheme Workers federation (AISWF) have expressed their unwavering support to the strike. ASHA workers affiliated to Delhi ASHA Kamgar Union has also expressed solidarity.

Demands raised by the ASHA workers include:

- ▶ Credit the Corona allowance announced by the former Chief Minister immediately into ASHAs' accounts and pay all ASHAs at the rate of Rs 10,000 per month from the commencement of Corona duty.
- ▶ Rs 50 lakhs life insurance and 10 lakhs health insurance for ASHAs doing Covid work.
- ▶ Pay Rs 50 lakhs insurance and 4 lakhs ex gratia amount to dependents of ASHAs who died on Covid duty. Pay special monthly allowance to dependents of such deceased ASHAs, as is being done in Odisha.
- ▶ Government employee status and a minimum of Rs 21,000 salary for ASHA workers.
- ▶ Till such time as monthly salary and government employee status is not implemented, monthly honorarium for ASHAs should be fixed at Rs 10,000.
- ▶ Pension for all ASHAs upon retirement, and a lump sum package for ASHAs who have developed knee problems while doing duty on foot.
- ▶ Make safety rules in case of accident, heart attack, or illness while on duty and provision for a minimum of Rs 10 lakhs compensation.
- ▶ Make timely payment of all dues with arrears.
- ▶ Curb corruption and commission-mongering that is rampant at lower levels in payment of various dues to ASHAs.
- ▶ Appoint specialist doctors without delay at all government hospitals.
- ▶ Ensure respectful and dignified behaviour with ASHAs in hospitals.
- ▶ ASHAs should not be used for Corona duty until separate Corona monthly allowance is provided. ■

NOTE:

The strike is withdrawn and put on hold for 20 days from 1st Sep based on assurance from the government and the Chief Minister that the government will issue necessary orders to resolve the issue within 20 days. Workers are fully prepared to relaunch the strike on 21st day if the assurance is not fulfilled.

AICCTU Against the passing of General Insurance Business Nationalisation Amendment Bill 2021

AICCTU strongly condemned in unequivocal terms and opposed the passing of the General Insurance Business Nationalisation Amendment Bill 2021 in Parliament by the Modi government. This has paved the way for denationalisation and total privatisation / disinvestment of public sector General Insurance companies which will jeopardise the interests of public, employees and the economy of the nation.

The government forcibly passed the Bill in Rajya Sabha on 11 August (already passed in Lok Sabha on 2nd Aug) in most authoritarian manner, using even 'Marshals' to quell the voice of protest of opposition. The opposition's protest to the Bill inside the floors of the Parliament demanding the Bill to be referred to the Select Committee and the continuing opposition by workers and employees outside has been arrogantly ignored and put aside by the government.

This has once again showed the hurry and hyper-activism of Modi government in serving the greedy Corporates by handing over this key financial institution to the private. With the passing of the bill, the Modi government has taken another major step towards establishing the Corporate-Company Raj in India on the occasion of completion of 74 years of Independence of the country and 50 years of establishment of public sector insurance companies.

While fully supporting the ongoing protest of Insurance sector employees against passage of General Insurance Bill 2021, AICCTU calls for a powerful united workers resistance against the privatisation drive of the Modi government. ■

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First State Conference of Dilli ASHA Kamgar Union

SHWETA RAJ



Wake up Modi-Kejriwal! Stop exploiting ASHA workers in the name of 'Sewa'!

ASHA workers demand permanent job, fixed salary and social dignity!

The first state conference of Dilli ASHA kamgar Union successfully concluded on 8th August at N.D Tiwari Bhawan, ITO, Delhi. The conference began with paying tribute to all ASHA workers who succumbed to COVID-19, farmers who died in the protest, and the 9-year old Dalit rape victim in Delhi Cantonment area.

ASHAs from different dispensaries across Delhi participated in this conference. ASHA workers from Saadnagar, Palam, Deoli, Mangalpuri, Dabra, Bhati mines, Kalyanpuri, Trilokpuri, Mehrauli, Mahipalpur, Fathepuri Beri, Dera, Sangam Vihar, and Gautam Nagar showed up in large numbers. From the last few months under the leadership of DAKU, ASHA workers have been continuously registering their protest against their exploitation both by the central and state governments. During the pandemic, DAKU also went to various dispensaries in Delhi and distributed masks, gloves, sanitizers, etc., as none

were provided by the government. DAKU vowed to stand with the ASHA workers in all circumstances and will continue to work towards strengthening our fight against all form of oppression of the ASHAs.

The conference was inaugurated by Punjab Kisan Union leader Com. Jasbir Kaur Natt who has been at the forefront of the historic farmers struggle going on at Delhi's borders against the anti-farmer acts. She expressed her solidarity with the ASHA workers of Delhi and explained how this fascist government has been relentlessly attacking the Mazdoor-Kisan of this country since it came to power. She also reiterated the importance of unity and motivated ASHA workers to reclaim their rights. The conference was also addressed by AICCTU General Secretary Rajiv Dimri, AICCTU Delhi State President Santosh Rai, and JNUSU ex-president and AICCTU National Executive Member Sucheta De.

The conference culminated with ASHAs narrating their macabre experiences during the pandemic and their grievances against both the Modi and Kejriwal governments. Despite uncertain working conditions, untimely wages (if paid at all), lack of compensation and unavailability of PPE gear, the ASHA workers are still working at the forefront of the fight against corona pandemic. With no safety kits, ASHA workers in Delhi

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are forced to work under precarious conditions. Instances of violence and discrimination against ASHAs have multiplied manifold during the pandemic. Even basic facilities like restroom, maternity leave etc., are not provided to them. They are often reminded about how they are doing 'seva' or 'social service', and are treated more like volunteers rather than 'workers' who are entitled to adequate wages for the job they perform. ASHAs decided to unionize and protest for their basic rights and dignity as both the state and central governments have ignored the woes of ASHA workers.

The newly formed committee elected Com. Shweta Raj as the General Secretary of the Dilli ASHA kamgar Union.

The ASHA workers of Delhi also extended their support to the ongoing strike of the ASHA workers of Uttarakhand.

A Charter of Demands was also formulated in the conference which includes -

1. Grant the status of government employees to ASHA workers and ensure a monthly salary of Rs. 18,000.
2. Increase COVID honorarium from Rs. 1,000 to Rs. 10,000.
3. Arrange proper restroom facilities for ASHA workers in all the dispensaries across Delhi.
4. Limit working time to 8 hours a day.
5. Guarantee Rs. 1 crore as compensation for each death of ASHAs or their family members due to Corona.
6. Immediate action against harassment and violence on ASHA workers on duty.
7. Provide travel allowance to all the ASHAs working on the field.
8. Ensure paid maternity leave to all ASHA workers.
9. Provide free healthcare to all the ASHAs and their families
10. End the system of assigning points to pay ASHA workers.
11. Form Gender sensitization cells to tackle gender based assault and sexual harassment at workplace.
12. Stop attack on the right to form union and Fulfill the demands of ASHA workers.
13. DAKU resolved to carry forward the struggle against the oppression of ASHA workers and the endeavour for rights and justice. ■

9th August 2021

Quit India Movement Observed Across the Country

9th August 2021 (Quit India Movement Day) was observed throughout the country with the participation of lakhs of workers, farmers, women and other sections of people. The clarion call to “Free India from the Clutches of Modi-shahi, Defeat Modi-led Company Raj”, “Save India, Reclaim our Rights”, etc., reverberated across the country. To mark this occasion, AICCTU launched “Save India, Save Workers’ Rights” campaign from 1st August which culminated on 9th August with impressive participation of workers.

During the campaign, a Charter of Working Class was placed that included - Stop Privatisation; Stop Rising Unemployment and Retrenchment; Arrest Skyrocketing Prices, Strengthen PDS and Food Security; Full Lockdown wages and Rs. 10,000/- per month subsistence allowance; Compensation for all Deaths in the Covid period; Scrap 4 Labour Codes and 3 Farm Laws; Withdraw the Act to crush the Right to Strike in Defence sector; Repeal Sedition Law, UAPA and all Draconian Laws; Free all political prisoners, etc..

The day was widely observed including national capital, various state capitals, major cities and towns and various public sector units and govt. sector institutions in various forms such as processions, demonstrations, sit-ins, effigy-burning, picketing, lunch hour protests, badge wearing, slogan shouting, etc. At many places workers and farmers jointly organized protests. This Day was also observed as “International Day of Tribal/Indigenous People” in many parts of the country.

The protests on this day emphasized on the need to intensify and to take forward the united struggle of masses to overthrow the Modi-shahi, which has replaced British-shahi today, after 74 years of Independence. The Modi-shahi is engulfing the country as a fascist regime with undeclared emergency and as a Corporate-Company Raj.

AICCTU had an impressive participation in protests in several states and sectors. In Delhi, an impressive protest was organized at Mandi House. The March to Parliament from here was



disallowed by Delhi Police which was condemned by the protestors. On behalf of AICCTU, the protest was addressed by Rajiv Dimri, General Secretary, AICCTU, apart from the national leaders of other central trade unions. Also, Mahila Kisan Sansad was held at Jantar-Mantar.

In Bihar the day was observed in most of the districts including Patna, particularly with a larger participation of scheme workers; In Jharkhand, including Dhanbad and Ranchi; In Orissa including Bhuvneshwar and Rayagada; In West Bengal in several districts including Kolkata, 24 Parganas (North) & (South), Jalpaiguri, etc.; In UP, several districts including major cities like Allahabad, Lucknow and Kanpur; In Assam 5 districts including Guwahati (where notably Airport employees participated), Tinsukia and Diphu; In Andhra Pradesh, 6 districts including major centres like Kakinada, Srikakulam, Guntur, etc.; Mumbai and other cities of Maharashtra; and other states, like Puduchery, Karnataka, Gujarat, Chattisgarh, Rajasthan, Uttarakhand, etc.

Demonstrations were held under the banner of AICCTU in Guwahati Oil Refinery, Chittaranjan Locomotives, Kanchrapara Rly. workshop and Santragachi in S.E. Railways. ■

ACTIVITY REPORTS

West Bengal

A Protest by Construction Workers of Kolkata

ATANU



The West Bengal construction workers union organised a demonstration in front of the Office of the labour minister and handed over a memorandum. This demonstration took place on 27 August, despite inclement weather. General body meetings, street corner meetings were held in different places preceding the demonstration.

The memorandum highlighted the plight of construction workers of Bengal and condemned the fact that the state government has not disbursed a single penny to workers during pandemic from the cess fund despite several other state governments already transferring some cash benefits to construction workers in the country. The memorandum also highlighted that approximately 12,000 crores is still lying with the welfare board after spending some amount during 2013-14 and 2016-17.

The memorandum also condemned the complicated administrative method adopted by the labour dept for the enrolment of workers in the welfare scheme. The method of online enrolment only through portal has rendered large number of workers out of its coverage.

The union also demanded to re-introduce schemes like education fund to the workers' children, treatment, housing, etc. The union also demanded action against harassment of workers by district labour offices.

The MIC Labour Sri Beccharam Manna met the delegation along with the Labour Commissioners. The Minister assured to rectify technical glitches regarding the portal within a week. He also said that the workers who failed to pay their subscription for last three years will not be discontinued. He assured to rectify the delay in pension payment and to re-introduce a few welfare benefit

schemes which are not within the general category of the state government.

He gave no assurance on cash benefits saying that it is a policy decision to be taken by the Finance and Chief minister.

The state president Comrade Atanu Chakravarty led a 5- member delegation comprising Comrades Kishore Sarkar, state secretary of the construction workers union, Narayan Roy, District secretary of North 24 Parganas, Debabrata Biswas, member of district committee, and Pradip Sarkar, district Secretary of Hoogly.

Com Prabir Das, state president of the construction workers union presided the mass meeting that continued till the team return to submit the details of the talks with the minister. ▣

Tamil Nadu

AICCTU Secured a Compensation of Rs 5 lakhs

Bihar Construction Worker Committed Suicide in Tamil Nadu

DESIKAN

A construction labour from Bihar Plaiganj constituency, Mr Ajay Shah, who worked as a construction labour in Thiruvarur of Tamilnadu, was found hanging at the work site on 5 July 2021. The incident was reported to the police by his Bihari colleagues, an FIR was registered and the body was kept at the mortuary in the hospital.

Anticipating police harassment, the Bihar workers fled to Bihar. When the incident was known to CPI (ML) MLA of Paliganj constituency, Comrade Sandeep Saurav, the matter was referred to the Tamil Nadu state General Secretary of AICCTU, Comrade Desikan.

Com.Veera selvan, state council member of AICCTU from nearby Mayiladuthurai was deputed to visit Thiruvarur to ascertain the facts. Veeraselvan along with some other comrades visited the work site, had enquiries with police and district administration. Then, it was known that the body of the deceased was kept at the mortuary without post-mortem. The District Collector and Superintendent of Police were forced to intervene in the matter. A suspicion shadowed the death and the administration was asked to speed up the investigation. Sensing intervention by AICCTU and of a possible demonstration, the district administration arranged a tripartite meeting with the builder and AICCTU. District administration was represented by police officials. AICCTU demanded to videograph the process of postmortem, decent burial of the body and proper compensation to the family of the deceased. Bihar MLA comrade Sandeep also directly spoke to the police officials over phone.

The district administration yielded to our pressure and a postmortem was conducted with the presence of our comrades with videography. It was also agreed to have a decent burial in the presence of their family members. After prolonged negotiations, the builder was forced to agree for a compensation of Rupees 5 lacs.

Accordingly, the Builder arranged air ticket for three of the family members of the deceased to arrive at Thiruvarur. Ajay Shah's daughter along with two family members arrived at Chennai. Comrade Eraniappan, state honorary president received them at Chennai airport and send them to Thiruvarur. Gunasekaran, state committee member of CPI (ML) along with Veera selvan of AICCTU, arranged for Ajay's family members to pay their last respects. As agreed, the Builder credited the amount to the bank account of Amirta Kumari, wife of the deceased, on the same day.

The family and villagers of Paliganj organised a meeting and thanked CPI(ML) / AICCTU for standing with the people at the time of distress. The entire village resolved to be part of the people's movement. ▣



Tribute

Red Salute to Comrade Ramkishan!



Comrade Ramkishan, a tall and veteran leader of Health Workers Movement and All India Vice President of AICCTU, suddenly passed away on 17 August 2021 while on a morning walk near his home in Shriniwas Puri, Delhi due to massive heart attack at the age of 72. He is survived by his wife, a son and a daughter. His sudden and untimely demise is a great loss to the trade union movement as a whole and particularly to the movement of health employees in the country. Till the very last, he was his usual cheerful active self, helping comrades get vaccinated, and organising health workers to highlight how Covid-19 made their exploitation and insecurity worse.

Comrade Ramkishan was born on 13 July 1949. His was a refugee family from Multan, Pakistan, which finally settled in Shriniwas Puri, after his brief stay in Haryana. He lived till his last days in a small house in this colony. Hailing from a humble, ordinary family, he had to work in a milk depot of Delhi Milk Scheme in the colony to pursue his education.

From his college days, he was a fighter for the rights and interests of people. He joined Desh Bandhu College in South Delhi for graduation around 1970. He fought for the cause of students and became President of student union as an independent candidate defying the influence of powerful unions

led by RSS-backed ABVP and Congress-backed NSUI. He was also active in JP movement. Thereafter, his whole life was dedicated to the cause of the working class.

After completing his studies, he joined work at CGHS (Central Government Health Scheme) in mid 1970s as Lab Technician. His trade union journey began with organising employees of CGHS. Beginning from Delhi, he organised the CGHS employees throughout the country, led several struggles and formed AICGHS Employees Association. He was its General Secretary until his retirement. He used to give special emphasis on organising women employees and played a key role in developing the women's wing of this association. During his journey as a fighter for the interests of working class, he came close to the communist ideology and became a member of CPI-ML in early 1980s.

Com. Ramkishan took initiative to intensify the struggles of central govt. health employees at all India level against privatization policy since 1990s, and went on to become the general secretary of Central Health Employees' Federation (CHEF). He strived to bring employee unions of various central, state and autonomous hospitals and health institutions under one platform. This led to the formation of All India

Health Employees and Workers Confederation (AIHE&WC) in 2010 and he led the confederation as its General Secretary till the last of his life.

Com. Ramkishan was instrumental in leading several struggles on the issues of health employees and against privatization and was arrested many times. The most notable struggle was the all India struggle in 2009 (just a few months before his retirement) in which he was imprisoned for more than a week. Along with movements of govt. health employees, he played leading role in struggles of private sector health employees too, the most noteworthy being the struggle of employees of Moolchand Hospital, Delhi. He played important role in formation of workers unions in other sectors too, like the DTC Workers Unity Centre. He was an advisor in Shramik Solidarity, a Hindi publication of AICCTU.

Com. Ramkishan was not confined to organising regular employees of health sector but dedicated himself to organising contract and temporary health employees in the wake of contractualisation and outsourcing, and played a key role in the formation of their unions in various hospitals and institutions finally forming Contract Health Employees Federation in the 4th national conference of AIHE&WC on 2-4 February 2020 at Jabalpur, just before the Covid-19 lockdown. He was sensitive and concerned over the ever weakening public health system of the country and the peoples' right to health. In the last few months, he made plans to build a "Right To Health" movement in India where health workers and people could come together, recognising health as a public good and not a private relationship between profiteer/service provider and "consumer". Com. Ramkishan was an extraordinary leader of various sections of health employees and remained the flagbearer of the working class of the country.

Today, the health sector is facing the onslaught of privatization and contractualisation, the entire public health system is being demolished and its abysmal condition has been thoroughly exposed during the pandemic. In such a situation, building a country-wide movement on the most vital issue of strengthening public health and integrating with it the movement of health employees has become a primary task, and taking this task forward will be the true tribute to Comrade Ramkishan.

Revolutionary tributes to Comrade Ramkishan! It is our solemn duty to take forward the unfinished tasks he has left behind. We will continue to be inspired by his tireless dedication and commitment towards the cause of the working class.

We share our deep grief with his bereaved family, friends and comrades.

Long Live Comrade Ramkishan! 



West Bengal



Tamil Nadu

**Free India from the Clutches of Modi-shahi, Defeat Modi-led Company Raj”,
“Save India, Reclaim our Rights
Visuals from 9th August Call**



Delhi



Bihar



Workers Resistance

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