



UNION POWER

NTUI

A monthly bulletin of the New Trade Union Initiative

January 2013

JOIN THE ALL INDIA GENERAL STRIKE TO RESIST IMPERIALIST GLOBALISATION AND STOP THE ATTACK ON THE WORKING CLASS

Never in living memory has the attack on the working class been as intense as it is today. The attack is brutally violent and unrelenting on every section of the working class.

At the root of this violent attack lies the principal crisis of sustaining capital's profitability. Unionised workers mean an increase in union power which, when sustained militantly, translates not just into winning rights to protected jobs and higher wages and benefits but better and safer working conditions, which to an employer only means - cost. It is this cost that capital is unwilling to bear and hence these rights that capital is unwilling to concede. The violence thus today is increasingly directed at the principal democratic right of workers to form and join unions of their choice.

This violence unleashed by capital is with the collusive support of government. Government has conceded capital the 'right' to define the economy and has subordinated both existing statute and the government machinery to meet capital's needs. The government's concession to capital have been in the form of tax relief, capital subsidy, opening up of public utilities and natural monopolies to the private sector, and the transfer of vast tracts of land for the exploitation of natural resources. This has opened new areas for corruption which too has increased to unprecedented levels. But it has done more and much worse. It has undermined the livelihoods of the rural working people, in particular the most marginalised amongst them, the dalits, the adivasis, the religious minorities and of course women. Where workers have resisted this subordination, government has been willing to use the law and its machinery, assisted by a complicit judicial system, to crush democratic struggles.

The governments' growth strategy lies in tatters and the failure of private capital to act as the driver -of the economy is visible. Despite the collapse of the agricultural sector, instability in the manufacturing sector and the uncontrolled inflation, government has persisted with its neo-liberal economic policies. These policies have been shaped in consistent engagement with imperialist forces with government expanding concessions to foreign investment, which in turn, has become necessary to sustain the present model of growth. Further, the public sector disinvestment is taking place by stealth when in fact there is an urgent need to regenerate the public sector in order to shape the direction of the economy towards sustainable national development that ensures equity and social justice.

Economic development remains the political rhetoric within the mainstream. Yet, over the last two decades, government supported and subsidized private sector expansion has resulted in a sharp widening of income inequality. In these 20 years, not just has income inequality worsened, it has come along with a culture of public display of consumption by a small minority while the vast majority of working people continue live in misery and deprivation. The profits of the present model of economic growth have been appropriated by capital while the costs have been borne by the working class. While direct taxes such as taxes on companies have remained unchanged and the income tax of the richest has been lowered year-on-year, subsidies meant to protect the working poor from the ravages of the market forces, are being cut drastically at each budget in the name of fiscal prudence with simultaneous increase in indirect taxes on all commodities that hit the working poor the most. Government is additionally making every effort to substitute the existing subsidies

with targeted cash transfers. This, taken together with the decline of the agriculture sector, has led to unprecedented inflation, and in particular food price inflation. Governments' repeated assurances to bring prices under control have delivered nothing since markets are controlled by big business, traders and corporate and large farmers. Inflation has lowered the value of the rupee and wiped out real earnings of workers across the board. The extension of the public distribution system to all sections of working people, and not just those below the poverty line, is still a dream while the Unorganised Sector Social Security Act 2008 remains a mere piece of paper.

In the last two decades the private sector has destroyed far more jobs than it has created. The majority of new jobs created in the formal sector are of contract workers, trainees, apprentices and other new forms of unprotected and insecure workers while simultaneously pushing a large volume of work into the informal economy with no protection of law. In the formal sector, a large section of the workers receive wages that are a small fraction of the bargained wages of permanent workers whilst, in the majority of cases, perform tasks that are more arduous and less safe. In the informal sector, most workers today are struggling for recognition as 'workers'. The largest number of new jobs created in the last two decades are that of development workers on honorariums or as part-timers and are entirely denied employment rights. Much of the new employment opportunities created for women, restricts them to low wage jobs, many of which are even unrecognised as work. In addition they are subject to every kind of prejudice and harassment including sexual harassment.

The demand for employment is enormous since tens of millions of working people have been rendered unemployed by the agrarian crisis, dispossession and displacement. The social protection to rural working people, envisaged under the MGNREGA, is in disrepair and wages under it are abysmally low and are being increased at a rate far lower than the rate of inflation.

It is this extreme reality that has forced the unity of the 11 Central Trade Union Organisations, despite their political affiliation, to call for the two-day All India Strike on 20-21 February 2013 in the understanding that the '*broadest form of national unity of workers*' alone can bring about a change in the present situation.

NTUI welcomes this unity and joins the call in the spirit that all traditions within the working class movement must unite at every level by including all sections of the working class. Consolidating the movement is necessary for evolving effective strategies and building a stronger resistance to imperialist globalisation. This strike call is for all sections of the working class including women workers, workers in irregular jobs and also workers in rural areas – without who this strike will only be symbolic and cannot succeed in defending our past gains and building an effective and sustained struggle to resist the present onslaught.

Let us unite as workers and members of militant trade unions and ensure that our union power strikes at the core of capital and makes it imperative for a complicit government to guarantee democratic rights of workers that ensures basic livelihood. Let this strike mark the beginning of a new unity of all sections of the working class in its struggle against imperialist globalisation.

Living Wage Indexed to Inflation for All
Universal Food Security
NREGA wage not less than Minimum Wage
Minimum Pension at 50% of Minimum Wage
Universal and Comprehensive Publicly financed Healthcare System
Equal Wages for Equal Work for Contract workers and Women Workers
NO to Sexual Harassment at Workplace and Mandatory Sexual Harassment Committees
Defence and Regeneration of the Public Sector

UNITY • DEMOCRACY • MILITANCY
New Trade Union Initiative

Contents

AFFILIATE NEWS	4	INTERNATIONAL NEWS	7
CAMPAIGN NEWS	5	LEGAL NOTES	7
NEWS UPDATES	6	PRESS STATEMENT	8

AFFILIATE REPORTS

NTUI extends its Support to the anti-nuclear struggle at Kudankulam: *31 December 2012:* People from varied walks of life took midnight pledge to fight against the Koodankulam Nuclear plant and to fight the forces of death and destruction. Trade Unions, environmental groups, human rights organisations, have also extended solidarity to the people’s struggle at Kudankulam.

Com. Ashim Roy, General Secretary, NTUI affirmed that it is the duty of the new people’s movements to bring awareness to the old movements like trade unions, with regard to the assertive land protection struggles. He reaffirmed NTUI’s support to the struggle at Kudankulam.

T. Peter from the National Fishworkers’ Forum announced that fishworkers from across the country will hold 21 January as a day of solidarity in support of the people’s struggle in Kudankulam.

Kolkata HC orders West Bengal Government to pay Rs. 72 crores to NREGS workers: *Kolkata, 8 January 2013:* Reprimanding the State Government for not paying minimum wages to workers in the Mahatma Gandhi National Rural Employment Guarantee Scheme(MGNREGS), the Kolkata High Court passed its final order in WP 16913(W) of 2009 filed by Paschim Banga Khet Majur Samity (PBKMS) on 7 January 2013. It ordered the State Government to not make such a mistake in the future. The State Government has also not disputed that it has not paid minimum wages and has thus admitted its mistake. The court has asked the State Government to pay the balance amount to all workers who apply for the same. According to the petitioner, the Government of West Bengal did not pay statutory minimum wages to MGNREGS workers in 2009. Workers were paid Rs.81 per day when the declared legal agricultural minimum wage was Rs.87.50 in West Bengal. Section 6(2) of the National Rural Employment Guarantee Act, 2005, states that until wage rate for the purpose of National Rural Employment Guarantee Act is specified by the Central Government, the minimum wage fixed by the State Government under Section 3 of the Minimum Wages Act, 1948 for agricultural labourers,

shall be considered as the wage rate applicable for NREGS works.PBKMS therefore contended that each NREGS worker in West Bengal has been paid Rs.6.50 less than his/her legal entitlement from January to December 2009, and had claimed that the State Government must pay Rs. 71.82 crores for 1105.02 lakhs of person days of employment to NREGS workers.

The PBKMS has declared that all its members and all other NREGS workers will apply for the remaining amount from the State Government and if they meet with refusal, the union will again move for contempt of court against the State Government.

NTUI-JSA meeting on Ensuring Healthcare for Organised and Unorganised workers in Maharashtra: *Mumbai, 20 January 2013:* A joint meeting of the Jan Swasthya Abhiyan (JSA) and NTUI’s Mumbai based affiliates was held on 20 January on the critical issue of Ensuring Healthcare for all workers. This is an attempt to build a common understanding and move towards collective strategies of radical restructuring of the healthcare system.

Dr. Abhay Shukla and Dr. Abhijit More of JSA-Maharashtra discussed the possibilities of collaboration with trade unions to build a campaign for reviving the ESI and extending it to all workers, including contract workers.

First Bharti Roy Chowdhury Memorial Lecture on Women and Land Rights: *New Delhi, 22 January 2013:* The NFFPFW organized the first **Bharti Roy Chowdhury Memorial Lecture on Women and Land Rights** was held at the India Islamic Centre in Delhi in memory of Com. Bharti, founder member of the National Forum for Forest People and Forest Workers (NFFPFW), who dedicated her life to the struggle against violence on women in urban spheres but soon moved on to rural areas where she focused on the issue of forest and land rights of women. Com. Bharati was one of the first who raised these issues in the Shivalik forest region in the Saharanpur District of Uttar Pradesh and played an important role in the formation of Ghad Kshetra Mazdoor Morcha and Ghad Kshetra Mahila Morcha.

The meeting was opened with the screening of a documentary on Com. Bharti’s life and work followed

by a discussion. Chaired by Com D Thankappan, the speakers were feminist activist Kalyani Menon Sen, Smita Gupta (Indian School of Women studies and development) and Manimala (Director, Gandhi Smriti Darshan).

Garment and Fashion Workers Union stage day-long protest: *Chennai, 28 January 2013:* Members of the Garments and Fashions Workers Union (GAFWU) staged a day-long protest on 26 January in Chennai demanding revision of minimum wages and extension of ESI to garment workers.

The minimum wages for garment workers has not been revised since 2004. Despite the steep increase in the cost of living, the minimum wage has remained stagnant at Rs 120 per day. In 2004, a new notification on minimum wage was issued but the powerful garment industry lobby obtained a stay order from the High Court. GAFWU in 2009 even filed an appeal against the stay order but the notification is yet to be implemented.



Moreover, many of the garment workers do not have access to ESI facilities. In Chengalpattu and Thirukazhukundram areas, there are no ESI dispensaries. GAFWU is demanding extension of ESI to all garment workers with adequate facilities.

GAFWU has also been actively campaigning in especially the MEPZ, for setting up sexual harassment complaint committees in all garment manufacturing units, based on the Vishaka guidelines. GAFWU has lodged several sexual harassment complaints in a number of garment manufacturing units in the region but none of these units have any institutional mechanism to address these complaints.

CAMPAIGN NEWS

Joint Indo-Pak Trade Union Statement against War

The Trade Union Solidarity Committee - Mumbai and the All Pakistan Trade Unions Federation – both members of the Coordination Committee constituted at the Open World Conference held at Algiers in 2010

convened by the International Liaison Committee for Workers and Peoples issued a joint statement on 16 January 2013 following the recent border conflict at the Medhar sector of the Line of Control (LoC).

The Algiers conference, attended by trade union activists from 5 continents and 52 countries, had resolved to oppose war and exploitation. Wars conducted by imperialist powers have destroyed lives and living conditions of common people everywhere. Wars have also accentuated exploitation.

The statement issued by the Indian and the Pakistani Trade union members of the Coordination Committee opposed all forms and designs of wars and occupation by the imperialist forces anywhere in the world. It expressed particular concern about the reported killings in military action at the India-Pakistan border. Military conflict in the region would, it stated, only add more wealth to a tiny section of the super rich and would undoubtedly drive the multitude of the population in both India and Pakistan to further and deeper untold misery. The joint trade union statement called upon the governments to stop taking steps in the direction of war to resolve their narrow agenda.

Parliamentary Standing Committee on Commerce invites suggestions on FTAs and Industrial Policy by 2 February 2013: *7 January 2013:* The Department Related Parliamentary Standing Committee on Commerce, has invited views, suggestions, comments from public on the issues of (1) "Industrial Policy in the Changing Global Scenario"; and (2) "India's Engagement with Free Trade Agreements: Challenges and Opportunities".

Those desirous of submitting their views and suggestions to the Committee on either of the two issues may send their written memoranda within thirty days from 3 January 2012 to:

Shri J. Sundriyal,
Director, Rajya Sabha Secretariat,
201, Second Floor, Parliament House Annexe,
New Delhi-110001
e-mail: atsundrial@sansad.nic.in

Standing Committee recommends 'initial price fixation' of all non-scheduled drugs: *14 January 2013:* The Parliamentary Standing Committee for the Ministry of Chemicals and Fertilisers has recommended 'initial price fixation' of all non-scheduled drugs which will ensure a cut in the huge margins now enjoyed by the pharmaceutical companies. The panel further suggested that the National Pharmaceutical Pricing Authority (NPPA) should monitor the initial price fixation of all the drugs by the companies, instead of the current practice of monitoring the annual hike in the non-scheduled category.

The committee had in its earlier report also cited the instances of huge difference between the production price and sale prices of medicine.

Right to Food Campaign critiques the Parliamentary Standing Committee Recommendations on the National Food Security Bill: 23 January 2013: The Right to Food campaign has come out strongly against the recommendations of the Standing Committee on Food and Consumer Affairs and Public Distribution that has lowered the monthly food-grain entitlement for each beneficiary from 7 kg as proposed in the National Food Security Bill (NFSB) to 5 kg in order to ensure that the legislation could be implemented without being hindered by shortfall in production and procurement of food-grain.

The parliamentary panel headed by Congress MP Vilas Muttemwar has also proposed that the classification of the beneficiaries into priority and general households be disposed and the coverage be restricted to 75% of the population in rural areas and 50% in urban areas and all the beneficiaries be treated as a single category.

On the issue of cash transfers replacing food subsidy, the committee has recommended that the government should ensure access to banking facility in all parts of the country before introducing cash transfer.

The committee further recommended that the maternity benefits and nutritional support to children under government schemes should be restricted to the first two children completely obliterating the legal guarantee to the Integrated Child Development Services (ICDS) and anganwadis on grounds of programmatic and operational gaps in the scheme.

NEWS UPDATES

Standing Committee on Labour finalizes agenda for 45 ILC: 4 January 2013: The Standing Labour Committee in its 45th Session held on 4 January in Delhi finalised the following agenda for 45th Indian Labour Conference:

1. Service conditions, wages and social security for various categories of workers employed in different Central Government and State Government schemes (Anganwadi, Mid-day meal, ASHA, Sarva-Shiksha Abhiyan and other schemes under various Ministers of Central Government).
2. Social Security with emphasis on Assured Pension with indexation for all workers including self-employed.
3. Labour Law for micro and small enterprises
4. Measures to improve employment and employability

The schedule for the ILC is yet to be announced.

Maharashtra govt makes registration of construction workers mandatory: Mumbai, 4 January 2013: Maharashtra government has decided to make registration of construction workers involved in its projects mandatory. Workers in the housing construction sector do not register with the board. There are around five lakh workers in this sector in the Mumbai -Thane belt. Till September 1, 2012 only 72,218 labourers have registered.

The construction workers welfare board has a corpus fund of Rs 1000 crore but due to shortage of beneficiaries the money is lying unutilised.

The drive to register beneficiaries will be taken up from 26 January to 10 February.

Enhancement of unit assistance under the Indira Awaas Yojana: 10 January 2013: The Union Cabinet approved the proposal of the Ministry of Rural Development to enhance unit assistance under the Indira Awaas Yojana (IAY) from Rs. 45,000 to Rs. 70,000 in plain areas and from Rs. 48,500 to Rs. 75,000 in hilly/difficult/LAP district. The Cabinet also approved the enhancement of unit assistance provided for homestead site to rural Below Poverty Line households who have neither agricultural land nor a house site for purchase/acquisition of a homestead site from Rs.10,000 to Rs.20,000.

Effort to make Aadhar mandatory for PF stalled: New Delhi, 27 January 2013: EPFO decided to make Aadhaar numbers mandatory for new members joining on or after 1 March 2013. For existing members, the Aadhaar number has to be done in a time-bound manner by 30 June 2013. In case an employee does not have the Aadhaar number, the employer can issue an Enrolment Identity card (EID) as per the guidelines of the body. This EID would be converted into Aadhaar number later on, the order said. The pensioners can submit their Aadhaar number either to their pension paying branch of the bank or to the EPFO office.

Central trade unions have strongly opposed this move as in many states Aadhaar was not yet operational and even in states where it is, it is very cumbersome to get the number. Even the Unique Identification Authority of India has said that the Aadhaar number should be optional till the entire country is covered.

INTERNATIONAL NEWS

Compensation for garment factory fire victims in Pakistan: 17 January 2013: The German discount clothing chain KiK Textilien signed a compensation agreement with the Pakistan Institute of Labour

Education and Research (PILER) to make a US\$ 1 million payment to victims of the Ali Enterprises textile factory fire in Baldia Town.

The compensation package came after demands by Pakistani trade unions, supported by international organizations including IndustriALL Global Union and the Clean Clothes Campaign.

According to the agreement between PILER and the KiK, the disbursement will take place in two phases. The first phase focuses on families of victims who have not received any compensation from the government where the bodies of the workers at Ali Enterprises are decomposed beyond the point of identification. KiK will also compensate workers with severe injuries in the fire leading to disability and loss of future employment. The remaining workers will be assisted in the next step after a compensation amount is agreed upon through a consensus between all stakeholders including employers and other buyers.

Joint trade union protest against factory fire at Smart Fashion in Dhaka: 26 January 2013: Just two months after a blaze killed 112 workers in Tazreen Fashions Limited in Savar, another fire swept through a two-story garment factory in Dhaka, killing at least seven women workers, of whom 3 were teenagers with the youngest being only 15 years, and injuring several others, raising once again serious questions about safety standards at workplace and treatment of workers.



A protest rally was organized by the All Party Garment Workers Unity, an apex body of different garment workers federations, on 27 January demanding immediate arrest of all persons responsible for the fire that resulted in the death of 7 workers, including the owner of the factory. The unions are also demanding that the Government and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) pay compensation to the families of the dead workers as per the definition of the “loss of earnings” and for providing advanced medical treatment to the injured workers and to pay them adequate compensation. However, the resounding demand is for a safe workplace. The factory in the capital's Mohammadpur area did not have any fire-fighting equipment nor any

exit signs on the walls.

The Government of Bangladesh (Minister of Disaster Management and Relief) has declared a compensation 20,000 taka to the families of the deceased workers and 10,000 taka to the injured workers.

At the time of the fire, the factory was producing for the global majors Inditex, the Solo Invest and the Sylvain Scemana. Illegal subcontracts were made with the Smart Fashion factory by Mahi Fashion, Omas Packaging Ltd, Naz Jeans Processions and MAC-TEX.

LEGAL NOTES

Recommendations of Justice Verma Committee on Amendments to Criminal Law: New Delhi, 24 January 2013: The three-member commission headed by former Chief Justice of India, Justice JS Verma, assigned to review laws for sexual crimes submitted its report to the government on 23 January 2013. The commission has identified "failure of governance" as the root cause for sexual crime. It has criticised the government, the police and even the public for its apathy, and has recommended a number of changes.

- **Punishment for Rape:** The panel has not recommended the death penalty for rapists. It suggests that the punishment for rape should be rigorous imprisonment (RI) for 7 years to life imprisonment. Gang-rape, it suggests should entail punishment of not less than 20 years, which may also extend to life and gang-rape followed by death, should be punished with life imprisonment.
- **Punishment for other sexual offences:** The panel recognised the need to curb all forms of sexual offences and recommended voyeurism be punished with upto 7 years in jail; stalking or attempts to contact a person repeatedly through any means by up to 3 years. Acid attacks would be punished by up to 7 years of imprisonment; and trafficking punished with RI for 7 to 10 years.
- **Registering complaints and medical examination:** Every complaint of rape must be registered by the police and civil society should perform its duty to report any case of rape coming to its knowledge. "Any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed," the report says. The protocols for medical examination of victims of sexual assault have also been suggested.
- **Marriages to be registered:** As a primary recommendation, all marriages in India (irrespective of the personal laws under which such marriages are solemnised) should mandatorily be registered in the presence of a magistrate,. The magistrate will

ensure that the marriage has been solemnised without any demand for dowry having been made and that it has taken place with the full and free consent of both partners.

- **Bill of Rights for women:** A separate Bill of Rights for women that entitles a woman a life of dignity and security and will ensure that a woman shall have the right to have complete sexual autonomy including with respect to her relationships.
- **Review of the Armed Forces Special Powers Act:** The panel has observed that the "impunity of systematic sexual violence is being legitimised by the armed forces special powers act." It has said there is an imminent need to review the continuance of AFSPA in areas as soon as possible. It has also recommended posting special commissioners for women's safety in conflict areas.

PRESS STATEMENT

Statement on Sexual Crimes against Women

New Delhi, 31 December 2012: NTUI mourns the death of the 23 year old girl who was brutally raped in a Delhi bus on 16 December 2012. The complete disconnect and apathy of the political class, and the visibly crude efforts to prevent democratic protest in the very centre of New Delhi, led to spontaneous and widespread protests in New Delhi and elsewhere bringing to the forefront concerns of violence against women. This incident of brutal bestiality is neither isolated nor is the revulsion to it is restricted to a certain class or a city. This could happen to any woman any day anywhere in the country. The NTUI condemns all acts of sexual violence and crimes against women in the public spaces, at the workplace and in homes.

The visible rise in sexual crimes across the subcontinent could be correlated with on one hand, the increasing participation of women in social life and the workforce as also to the increase in the reporting of such crimes. Both of these appear to have provided the license to all sections of the political class to issue restrictive diktats on women's movement outside their homes as ways to prevent such crimes.

On the other hand, a large section of the protestors across the country have been demanding an equally brutal punishment including the death penalty and castration for rapists. At the same time, there is also a demand for an increased surveillance and security through close circuit TVs and greater police protection. Both these demands are misplaced. It has been proven across the world that death penalty is not a preventive punishment. All of this completely negates the fact that the largest number of sexual crimes committed against women are those committed in familiar spaces by

known individuals, and that the largest number of sexual crimes committed by strangers are by the armed forces and police. The reality is that the majority of these crimes are not even recognised.

The reality is that violence against women is not just an act of an individual or a group of individuals, it is a product of a patriarchal society that deifies hegemonic masculinity. This is sustained by a culture of silence and a lack of recognition of the enormity of the problem. Failure of the legislature, the executive and the judiciary to recognise serious acts of violence against women, create laws and ensure that victims get justice within a fixed time period, has meant that the promise of equality, between men and women in our Constitution, is yet to be realised. This brings to the fore the urgent need for the criminal investigative and justice system to vigorously bring to book all perpetrators of crimes against women.

The Leader of the Opposition said in the Lok Sabha that a victim of rape is "zinda laash" (living dead) implying a lifelong stigma to a victim of rape. Sexual crime is the other side of the coin that depicts women as symbols of 'purity'. Neither in areas of conflict nor in public spaces or the workplace and not even within the four walls of one's own home are rape and other forms of violence against women about sex. Rape is sexualised violence that is manifestation of a societal culture defined by power and masculinity. Men have historically been taught to use violence to settle differences with societal sanction. It is this that needs to change. The NTUI acknowledges the spirit of the protests and notes the role played by progressive women's and student organisations and by young citizens in raising the fight against sexual crimes. While we do indeed need a stringent implementation of law that protects women against sexual crime we need to remind ourselves that this will happen only through a sustained movement of both men and women that challenges patriarchy in all its manifestations in every sphere of life – in the public and the political space, in society, in our workplaces and our very own organisations and in our homes. The NTUI commits itself to this challenge.

**Printed and Published by Ashim Roy
for the New Trade Union Initiative,
B-137, Dayanand Colony, FF,
Lajpat Nagar – IV, New Delhi–110024
Phone: 011-26214538/ 26486931
Fax: 011-26486931
Email:secretariat@ntui.org.in**