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- demanding Immediate enhancement of Family Pension
- Pension Updation ● 5 day Week & Scrap NPS



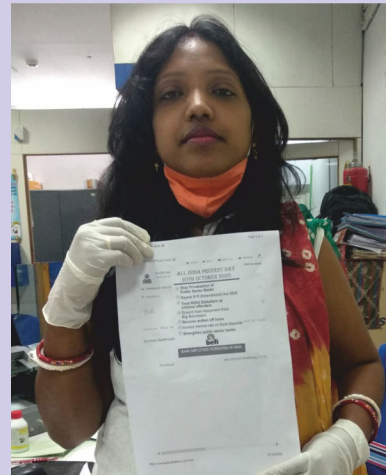
# befiNEWS

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Jayanta Ray, *Convener*  
N. Suresh  
Alok Das  
Panchugopal Mandol  
Pranab Chaudhury  
Rana Mitra  
Dipon Mitra  
Tapas Sengupta  
Dhiman Sankar Ghosh  
Jagannath Bhadra  
Chiranjit Ghosh - *Ex-Officio*

## FROM THE DESK OF GENERAL SECRETARY

In stark similarity with Demonetization, now it is becoming clear with every passing day that to contain spread of Covid-19 pandemic, nationwide Lockdown was declared in our country much later consciously and with definite motives. The motives are now crystal clear. Given the confinement and other restrictions in force with varying degree since last nine months, the NDA-II Govt. is leaving no stone unturned to dismantle the economy of our country. The working class of the country along with other sections of toiling masses and democratic forces have launched resistance movements to halt the steamroller of neo liberal economy which has gained tremendous momentum during the period of Lockdown. We are witnessing action movements in different sectors including multiple day strikes with spontaneous participation of employees and workers cutting across union affiliations. Subsequent to number of agitation programmes, the Central Trade Unions and Sectoral Federations have given call for **General Strike on 26th Nov 2020** on seven point demands from a Convention held on 2nd October 2020. The proposed Strike will be the 20th of such action programme since advent of new economic policy.

BEFI participated in all 19 General Strikes so far. In the last General Strike on 8th January 2020, among the organisations of banking industry, AIBEA, AIBOA, INBEF and INBOC were participants along with BEFI. The demands of the Strike include

inter alia opposing Privatisation of public sector enterprises, forced retirement in the name of VRS; demanding scrapping of NPS which are directly related with banking industry and bank employees are fighting on these policies for quite a long time. The Convention was attended by BEFI and AIBEA. Now, the pertinent question is what will be the stand of other organisations of the banking industry towards this proposed strike. We all are aware about threat of privatisation looming large on PSBs every day. IDBI Bank has been listed as private sector bank with effect from 2019, an occurrence never happened since nationalisation of banks 51 years ago. In different industries like BSNL, BPCL; Voluntary Retirement Schemewere floated along with creating fear psychosis in the minds of employees thus converting VRS into CRS. Now, a VR scheme is proposed in SBI. 30000 employees and officers have been identified to take exit under the scheme.

Though such Strikes are called by the CTUs and Federations, the media and interested section termed these as 'Political Strikes'. This has proved to be an easy escape route for non participation in these Strikes for many of the organisations. Will it be prudent for us to stay away from a broader movement falling prey to such motivated propaganda? Since imposition of NPS for the Central Govt. employees recruited since 2004, we should not forget that it is in banking industry where NPS was introduced for new entrants since April 2010 through agreement in 2010. After that, in two successive charter of demands all the unions demanded for scrapping NPS and introduction of defined pension scheme. It is our experience that during the negotiation process, we did not pursue the matter much treating the demand to be made for namesake. We understand that achieving this demand in an isolated industry is not an easy task. Hence, associating with the struggle of crores of workers is most acceptable alternative.

Given the aggressive mood of NDA-II Govt. at Centre, this is neither a ritual strike nor another strike; rather we should remain prepared for many more such actions to counter the offensive launched against the country and its citizen and our preparations should be taken up befittingly.

The **11th Bipartite Settlement** has been signed on 11th Nov 2020. As BEFI did not sign the MoU, we were not invited in subsequent meetings. We consider that signing of bipartite settlement strengthens bilateralism and protection of right to bargain achieved through long struggles. The settlement, itself, has many positive outcomes but also failed to address many important and sensitive issues particularly in regard to superannuation benefits and different components related to it.

The paltry loading of 2.5% after merger of dearness allowance with basic pay will again fail in achieving significant improvement in pay scale. In addition, failure in merger of special allowance with basic pay will also have negative impact in construction of pay scale. Both these factors will not only affect the basic pay structure adversely, but will have effect on other components like HRA, special allowance etc.

We have been demanding for enhancement of family pension for quite some time, which is very meager as per pension agreement and pension regulation. During course of negotiation, the IBA agreed to increase the family pension to 30% without ceiling. The IBA submitted this view in rejoinder submitted to the Chief Labour Commissioner (Central) before 2-day strike on 31.01.2020 and 01.02.2020 and more importantly, the Chairman informed on 22nd July 2020 about in principal agreement for enhancement subject to Govt. approval. On the day of signing MoU, we suggested for its inclusion in the minutes which was not only turned down by the negotiating committee but, none of the other signatory unions supported our view. Now, a final settlement has been signed with provision of enhancement of family pension subject to Govt. approval. While we'll take endeavour for its approval by the Govt, but the question is why IBA did not agree to the proposal of BEFI for inclusion in MoU and what prompted IBA to include in the final settlement. We are not considering this as a mere coincidence.

The pension scheme in bank was introduced in lieu of CPF when a larger section of employees and officers of the financial sectors including SBI, RBI, Commercial Banks, RRB, Insurance were fighting for third retiral benefit. Rate of interests on Provident fund and bank deposits were hovering around 12% and 14% respectively. The Associations who agreed to introduction of Pension scheme in lieu of CPF advocated for social security and for implementing this no actuarial calculation was undergone. Now, when the rate of interests on PF and bank deposits are reduced to about 9 and around 7 (with additional interest) respectively; loading of 2.5% and increasing percentage of special allowance instead of merging it with basic pay have put severe blow to the existing and would be retirees. The concept of 'social security' as felt in 1993, we feel, still exists and with persistent utterance of financial load for pension revision in RBI pattern should be stopped from our side. It will only strengthen IBA to deny legitimate rights of the bank employees and officers.

In this complex situation, we must not lose our focus on the issues confronting us. We have a bigger role to play in facing unprecedented situation with much dynamism and determination.



(Debasish Basu Chaudhury)  
General Secretary (BEFI)



75<sup>th</sup>

Anniversary

1945-2020

75 years with honor and dignity

Workers  
& Peoples  
united,  
for a world  
with social  
justice

Against  
monopolies  
& imperialism

WARS

POVERTY

EXPLOITATION

IMPERIALISM

# W F T U

## 75 years with honor and dignity

3rd October this year marks the concluding day of yearlong celebration of 75th Anniversary of World Federation of Trade Unions (WFTU).

WFTU was founded in Paris on October 3rd, 1945. It is the oldest international trade union organization. The WFTU holds the consultative status in the ILO and played a crucial role for the establishment of the Convention 87. There is Permanent Representation of the Organization in the United Nations in New York, in FAO in Rome and in UNESCO in Paris.

WFTU follows the line of the class-oriented trade union movement and it struggles against capitalism and imperialism for a society without exploitation of man by man. WFTU has more than 92 million members in more than 126 countries from all 5 continents. From 1945 until 1953 it was based in Paris, France. In 1953-1956, the headquarters were in Vienna, Austria. In 1956-2005 it was located in Prague, Czechoslovakia. From January 2006 until today the headquarters are in Athens, Greece.

WFTU has Regional and Sub regional Offices in every continent and also sectoral Trade Union Internationals (TUIs) in all sectors of strategic importance. Throughout its course so far, the WFTU played a central role in the struggles against

apartheid, against racism, the struggle against colonialism, against the policy of the government of the U.S., of NATO, of Israel and its allies; against the barbarism of capitalism.

WFTU has always been in the forefront in the conquest of all labor and union rights. The rich action of the WFTU on central, regional and sectoral levels has been aimed to unite all the forces of the working class in class struggles; to unite the workers irrespective of their religion, language, gender; unite the common people in the struggle against capitalist exploitation and against imperialism is the motto.

WFTU is an organization that functions democratically, holds elections for all bodies at all levels. Internationalist orientation of WFTU is its approach for international solidarity with struggles against capitalist exploitation and to high hold the banner of internationalism.

WFTU struggles for peace and friendship between peoples – against imperialist wars. WFTU stands to defend the right of every people, every working class to decide for themselves about their present and future. Countries' natural resources belong to the people and workers in respective countries – is the view of WFTU. WFTU is opposed to privatization. WFTU feels that Unity of



the working class can be achieved by way of social alliance of workers with poor peasants, self-employed, intellectuals and indigenous populations. WFTU works to involve young people, women and migrant workers in the life, action and administration of trade unions. WFTU's priority is for health and safety issues for workers, quality of life and the environment in general. WFTU promotes struggle against transnational corporations and for international coordination and working-class solidarity. WFTU works for right of all workers to public and free healthcare, education and social security. WFTU looks for continuous improvement of living standards, wages and pensions following the scientific achievements and technical progress.

The WFTU as a class-oriented trade union Organization reinforces criticism, self-criticism and comradely emulation amongst leaders and members. It struggles for trade union and democratic freedoms. It is against state violence, authoritarianism and persecution of trade unionists. It is against the neo-fascism and racism. It defends the right to strike and all trade union rights. To hit careerism, elitism, bureaucracy, manipulation and corruption of consciousnesses, it organizes trade union seminars and trainings for Basic Principles.

The WFTU has permanent representatives at the major international Organizations. It struggles inside these bodies, always defending the interests of workers and it highlights the monopoly that exists within these organizations. The

WFTU held its 17th World Trade Union Congress in Durban, South Africa on October 5th to 8th, 2016, attended by 1313 representatives of 244 trade unions from 107 countries. 112 delegates took the floor and major decisions were voted on all current demands of the workers. The Congress elected the new Presidential Council by secret ballot.

BEFI is having long association with WFTU, initially BEFI's tie with WFTU was through TUI (PS & A) till 2011 and since formation of TUI (BIFU) on 24th and 25th February 2011 in New Delhi, BEFI is one of its constituents. BEFI had the proud privilege to be entrusted with the responsibility of preparing the WFTU mementos that were presented on many a events of WFTU world over on the occasion of its 70th Anniversary in the year 2015. BEFI considers it an Honour bestowed by WFTU on them.

The year 2020 is dedicated to the 75th anniversary of WFTU, an anniversary not only historical but also an anniversary of action. The workers around the world, for 75 years, dedicate this day to honour the World Federation of Trade Unions under its demands and slogans.

WFTU moves forward with its main slogan :

**Workers and Peoples united  
for a world with social justice  
Against monopolies and Imperialism**

*[Complied by Pradip Biswas]*



# The Labour Codes – wage enslavement of working class

CHIRANJIT GHOSH

The Government compressed 29 existing Labour Acts into four Codes

The Industrial Relations Code (replacing 3 Acts);

The Occupational Safety, Health & Working Conditions Code (replacing a colossal 13 Acts);

The Social Security Code (replacing 9 Acts) &

The Wages Code (replacing 4 Acts).

The passage of these crucial bills, 350 pages of legislation loaded in favour of business and removing all hard earned rights of workers was given the nod by both Houses on a day when the Opposition had boycotted Parliament to protest the undemocratic bulldozing of Farm Bills. While the rules of the Wages Code, 2019 are awaiting notification, the rules for the other Codes are awaited.

In the global as well as the Indian context of burgeoning historical struggles of collective labour, a more interventionist role of the state in labour-capital relations became the order of the day since the 1920s. Now, in real terms, the essential thrust of the new labour codes is the generalisation labour-capital relations, which is based on reduced state intervention or deregulation. Henceforth,

state intervention will be restricted to the use of the criminal law framework to curb labour unrest; a trend which is already rising. In the informal sector, the absence of the state will enable enslavement of workers. Such enhanced private power of employers with respect to the work contract will be the norm across a large part of the formal sector as well.

Ostensibly the New Codes flow from the recommendations of the National Commission on Labour (2002) seeking to simplify and amalgamate the provisions of these laws. The codes, while liberating the bulk of employers from stipulated labour regulations refused to provide universal social security system without any ceiling as recommended. The Periodic Labour Force Survey Report (2018-19) shows that 70% of regular wagers/salaried employees did not have written contract and 52% did not have any social security benefit.

The Industrial Relations Code replaces the real “mothers” of Indian industrial legislation – the Industrial Disputes Act, 1947, Trade Unions Act, 1926, & the Industrial Employment (Standing Orders) Act, 1946. These three Acts lay down the overall substantive rights of workers and trade unions in India. The Industrial Relations Code hits a severe blow to labour rights and transforms the basis of industrial jurisprudence.

At the heart of labour law is the concept of unequal bargaining partners that result from the class relationship between employers & employees. Hence, unlike other private contractual relations, the parties cannot be left to their own devices. A contract of employment therefore stands on an entirely different footing from other contracts.

### **Infringements of the Labour Codes on the existing rights of workers**

The Code introduces a fixed-term contract entered into by the employer with each individual employee for a fixed period. Naturally, the terms & conditions of service are determined unilaterally by the employer instead of being as per the prevailing settlement for all employees signed with the trade union in the establishment. This will lead to withering away of permanent jobs in the market, given the fact that there is no cap on the number of times such contracts can be renewed or on their tenure. The companies will be able to hand out fixed term jobs to its existing permanent workforce as well. However, with the recognition of fixed-term contracts and individual settlements, the service conditions of even permanent workers may be fixed individually. The role of trade unions in fixing wages and service conditions through collective bargaining will evaporate in effect. The definition of "settlement" under the code now includes individual settlements, which goes against the very concept of collective bargaining. On the other hand, it will result in job insecurity of the employee and will deter him from raising issues of extended working hours, denial of wages or leaves.

The ILO noted that several countries including Vietnam, Brazil, China, Philippines, Botswana and Italy restrict the use of such fixed-term-contracts.

In the Codes, gratuity is payable if the employee serves continuously for five years. For fixed term employment, it is payable on a pro-rata basis *but only if they complete a one-year contract* – which denies the benefit.

The Code prescribes that to be registered and recognised any Trade Union must have (*and must continue to have post registration*) at least the subscription of 10% workmen or 100 workmen employed in an industrial establishment, whichever is less. The Code provides the recognised union or negotiating council will only have the right to negotiate with the employer on such matters "as may be prescribed".

As per the code, all unions in all undertakings must serve this prior notice of 14 days before going on strike. The notice is valid for 60 days. After the Labour Commissioner admits the dispute or on failure of conciliation applies to a Tribunal, the prohibition may extend indefinitely. The new provisions will in effect be prohibiting strikes in all establishments. Even after the tribunal gives an award, the code empowers the appropriate government to reject or modify the award. It empowers the government to override the tribunal even in a dispute where it is a party.

While the Code prohibits employment of contract labour in core activities but allowing the appropriate government to decide whether an activity is core or not, dilutes the legality of the restriction.

While there was no limitation of time period on raising a dispute, but the new Code prescribes a limitation of 2 years for the Conciliation Officer for taking an industrial dispute matter into conciliation. This defeats the legitimate rights of workers in cases of enforced casualness where workers have only organised and attained their rights after several years or even decades.

The Code has also very significantly diluted Section 33 (1) of the Industrial Dispute Act, which provided total protection against any unilateral change by the employer while the proceedings are pending. It allows employers to make changes in matters connected with the dispute. They may discharge or dismiss any worker for any misconduct connected with the dispute.

The Code allows employers employing less than 300 workers to retrench, close down or lay-off at will whereby 90 per cent of workers of this country will be defenceless, restoring the primitive hire and fire regime. It allows governments to increase the threshold further by a simple notification. It allows governments to exempt any new industrial establishment or class of establishments from the entire provisions of the code. It exempts factories employing less than 20/40 workers and contract labour employing below 50 workers from the code. The Sixth Economic Census data show that 98% of the establishments employ less than ten workers.

The Codes exempt establishments engaging less than 300 workers from

issuing standing orders on work hours, wage rates, worker classification, holidays, wage days, termination of employment and grievance redressal mechanism, misconduct, permissible punishments, right to be defended by a trade unionist or co-worker, the right to and rate of subsistence allowance. The existing standing orders of an establishment will also become void if its workforce reduces to less than 300.

The Code simply excludes all institutions engaged in any “charitable, social or philanthropic service” as well as any sovereign functions of the Government (State or Central). This will remove a large section earlier covered by industrial law from its ambit, but the vagueness of the term “social activity” will lead to all sorts of institutions claiming exemption from labour laws.

The changes in the definition of “employer”, “employee” and “worker” in the three Codes taken together seek to legitimise all forms of contract labour and sham and bogus contracts. The concept of “employer” will be divorced from the concept of “master and servant” which is the basis of much of labour jurisprudence. It allows these contractors to front as employers, while the workers actually work for another concern/employer. Hence who is the “employer” is ill-defined. It will not be possible for such workers to pinpoint the responsibility of “employer” on any one person. The employer may be the person who employs or the person who has ultimate control of the affairs — which may not be the same juristic person. Thus, the person employing may be a body corporate such as a company whereas the occupier

of the factory may be a particular manager. This will lead to confusion as to who is to be responsible for implementation of the provisions of the Code. For instance, what if the body corporate wants to retrench but the occupier does not follow the procedure? It is unclear as to who is to be held to account.

The definition of “wage” in the code does not include HRA, the value of any house-accommodation, PF contribution of employer, overtime allowance, any commission, any conveyance allowance, remuneration payable under any award or settlement or court order or Tribunal. All the changes in the redefining of wages will have the effect of reducing such rights as retrenchment compensation, subsistence allowance and wage arrears as well as retiral benefits of workers on a winding up of the company.

The Code removes the power of labour officers to conduct inquiries and decide the applicability of PF and ESI and determine amounts due from employer under these heads.

The Section 9A of the Industrial Disputes Act, 1947, which requires an employer to give 21 days prior notice of any proposed change in service conditions listed in the Schedule, an exception is now given if such change is affected “in accordance with the orders of the appropriate Government”. This will have particular significance for PSUs. For example, Air India and its subsidiaries recently slashed the overall take-home pay of its employees – by up to 50 per cent of allowances, and have taken the defence

that they have been directed to do so by the Ministry of Civil Aviation.

Definitions of critical components for calculating ‘minimum wages’ are missing and discretion is granted to governments to determine their own methodology to categorise them. Principal employers are protected from financial and criminal responsibility, such as from workplace accidents or death. Deterrents such as penal provisions also stand removed, enforcement mechanisms are dismantled and employers have been provided a self-certification scheme to show compliance with regulations.

Prior to the advent of the Factories Act of 1883, India had seen the worst of an unregulated labour market, a convenient indentured labour base for the British Empire which saw workers as dispensable commodities to its profit-making industries. This thought came to be discarded after we acquired independence from colonialism, now through this code, new India is rendered into a colony of the corporate class.

Under the Constitution, while framing the law, the legislature should not delegate framing the policy to determine the principles of the law to the government. The three labour codes delegate various essential aspects of the laws to the government through rule-making including increasing the threshold for lay-off, retrenchment and closure, applicability of various social security schemes, specifying safety standards and working conditions by establishments.



Does the dilution of labour laws indeed provide a feasible tradeoff for economic benefits? A study by the ILO on Employment Protection Legislation showed negative effects of deregulatory market “reform” in developing countries in terms of tackling unemployment, a scenario which India cannot afford to exacerbate as it undergoes a record unemployment high. The tenuous link between deregulating labour laws and market performance has been outrightly dismissed by most studies, particularly for developing countries where such measures tend to disproportionately affect marginalised groups within the labour markets.

The ILO notes that only 10% of its member states had exempt MSMEs from labour regulations altogether. Health and safety laws provide universal coverage in the US, UK, South Africa, Philippines among others. To have the assurance of a safe working environment and make a minimum wage is not an exercise in privilege. Far from it; it is a demand for a right to life and to live a meaningful life, free of servitude and compelled labour.

Deregulation will aggravate the human rights concerns which emerge in an economic crisis. A ripple effect of such measures is more likely to be seen in the form of economic inequality and the deepening of the societal fault lines of gender, religion and caste. Thus, to say that regulations make Indian labour more costly is to accept that even minimum wages are too heavy a burden for the capitalist regime.

The COVID-19 crisis is being used as a pretext to push through the unfinished ‘reforms agenda’ of increasing the hours of work, restricting wages to the bare minimum, reducing social security benefits, permitting the engagement of contract labour for any kind of work, easing norms for firing workers, clamping down on trade union rights and whittling down labour inspection.

The existing rights of workers and peasants acquired through relentless struggles with the blood, sweat and sacrifice of innumerable sections of the working class as a part and parcel of freedom struggle against the British imperialism and the countless struggles through direct movements and years of progressive judicial interventions, restricting the exploitive machinery of the capitalist order since independence, are being snatched away with the legislative capture by a most despotic anti-national and anti-people regime in the guise of reforms. The political class character of the Modi Government, working nakedly at the behest of the greedy corporate houses and the international finance oligarchies is thoroughly exposed. The entire working people will unleash its political wisdom, rise in one and retaliate to defeat the pernicious political attacks on the hard earned rights of the people by the repressive government, by massive mobilisation of masses in the General Strike on the 26<sup>th</sup> of November, 2020. We will win.

## Extracts : Interview with P. Sainath by Mitali Mukherjee in 'The Wire' 23.09.20

**What the Farm Bills mean and why people within the farming community are uncomfortable with this.**

These three Bills presented with the rhetoric and with the defence by people – I heard similar defences by the very same people when this government went in for demonetisation; and after six months they were all busy covering their tracks.

But, here you have, one Bill that paints the APMC as some sort of hideous monopoly from which you are releasing, liberating the enslaved farmer, right? You have another on contracts, which, the entire bill is about written agreements but nowhere mandates written contracts, it does not mandate things in writing, it makes that voluntary. And you have one on essential commodities, which simply legalises hoarding by removing any stocking limits by very big people.

The idea that the APMC is controlling everything, it's so stupid, simply because the bulk of transaction of marketable surplus and agriculture have always been outside the gates of APMC; most farmers – the vast majority, it varies region by region, but an incredible percentage of farmers – park their produce at their farm gate because they've already got 'pre-contracts', unwritten contracts with *sahukars*, with commission agents, with big creditors; they haven't realised even the MSP that is possible at the APMC.

How many farmers actually access MSP, how many of them are able to, because you've not been able to break farm indebtedness, you've not been able to break the hold of private profiteers over farm produce. Most farmers do not control the price of their produce *anyway*.

See now, please know where this comes from, it's not different from other sectors, it's an ideological progression, it was there from 1991 onwards; if it hasn't come this far yet, it's because of resistance from the farmers. It's interesting also; that lakhs of farmers are resisting what we're being told is the best thing ever to happen to them – that's another thing.

The third thing is that it's been done before. Here, I'm sitting in Maharashtra, not very far off is the Vashi APMC, where precisely this model was brought in years ago by a Congress government and, you have, clipping the wings of the APMC – what was the purpose? The purpose was that it will bring large numbers of private markets, corporations will invest – open up private markets and there will be competition. In Vashi, we opened this model APMC and nothing happened: no proliferation of private markets. Bihar, which they are all citing as a great example, did not even adopt the law. And there has been no great abundance of private markets offering better prices either. Kerala has never had an APMC, but there are no private markets. I mean, there are

no giant corporate chains which have offered alternatives.

The other thing was the idea that you're going to get great prices. In this last month, in Maharashtra, let's take something that happens entirely outside APMCs. Let's take the milk trade. Now, the milk trade, there are bulk buyers, it's all private. There may be one state actor in it but the bulk buyers benefit largely from it. At the beginning of the pandemic, in my locality – where I am in Mumbai – we were paying Rs 48, say, for cow milk a litre and up to Rs 60 a litre for buffalo milk.

Now, on that cow milk of Rs 48 a litre, the farmer in Maharashtra was getting Rs 30. And that was after major struggles by farmers, after very major agitations by farmers in 2018-2019, the farmer was getting Rs 30 on a final sale price of Rs 48. Within a month of the lockdown, we are still paying the same price – between Rs 48 and Rs 60, cow milk to buffalo milk – and the farmer, from April, was getting only Rs 17, where it used to be Rs 30 a month before the pandemic.

There was no APMC holding the farmer prisoner, there was no APMC depressing this price. But, here is this transaction, done entirely in the private space, where the farmer has lost almost 50% income, from Rs 30. And you saw on television, the few channels that cared to carry it, farmers' protest in August where they were pouring milk on the streets. So, tell me how was the APMC the villain in that? The second, again I repeat, while the bulk of transactions is outside the APMC anyway, and then you're saying, "Oh no, the APMC

will be there." Sure, it'll be there, like your government schools are there in the education sector – you've done nothing to improve them, you've done everything to facilitate the private sector takeover of education, and today you face a situation where your poor children are completely ruined out of the education process.

### **The prime minister goes on record to say the government will still pay an MSP.**

Just let's look at the prime minister's credentials on the subject. Have a quick recap of the last six years on MSP. You can also see the thing, that, the government and the establishment – they are calculating on the ignorance and vested interests of the media and, unfortunately, it's a sound calculation.

What did they actually do? You have to judge someone by what they actually did. 2014, before the election, the Bharatiya Janata Party and the NDA promised, within 12 months, we will implement the major recommendations of the Swaminathan Commission including, and especially, COP2+50%. The Swaminathan Commission had a very specific measure of the cost of production, which was 'comprehensive cost of production'. They said we will implement this Swaminathan Commission recommendation on the cost of production and MSP within 12 months.

What did they do within those 12 months? They filed an affidavit in the courts saying this is not feasible, we cannot do it because it would lead to distortion of market prices. The very people who've

come to power on that promise, who got millions on farmers' votes on that promise, filed an affidavit in the courts saying, 'Hey, we can't do this.' Distorting farmers' lives, that's immaterial, how can they distort market prices? Can't distort the market prices. That's 2015. 2016, Agri Minister, Radha Mohan Singh says, "We never made any such promise." 2017, Radha Mohan Singh says, "Forget about this damn Swaminathan Commission stuff, please look at Madhya Pradesh, Shivraj Singh Chouhan's model is way ahead of Swaminathan." We know that the result for the Madhya Pradesh election after that, I won't go into that. And, by the way, around the time they made all these pronouncements about Madhya Pradesh that was the week five farmers were shot dead in Mandausar.

2018-19 budget speeches, please read Arun Jaitley's budget speech, especially the last one he gave – the Finance Bill speech. Now, '14 you said implement in twelve months, '15 you said can't, '16 you said irrelevant, never made a promise, '17 you said, they're ahead in Madhya Pradesh; '18-19, the budget speech tells you, we have, in fact, already implemented the Swaminathan Commission, Jaitley's last speech [paragraph 13-14]. "We have already implemented it in the *rabi* crop and are preparing to do so for the Kharif crop."

Now, in 2020, on the floor of the parliament, your agriculture minister, Narendra Singh Tomar, when all the melee is on, says, "We are the only party that implemented the Swaminathan Commission report, we are the people who gave MSP."

The trick here, as it was from 2017, was in the definition of 'cost of production'. There are different forms of analysing the cost of production. A2, is *just* the import cost, nothing else; just what it costs for you to buy your pesticides, your seeds, your fertiliser. Another form, marginally better, A2+FL or A2 plus farm labour. The Swaminathan Commission never, ever advised these two; it spoke about COP2+50% comprehensive cost of production – it included farm labour, it included all the other non-recurring and, rentals on land, all those other factors.

Now between A2 and COP2+50%, you can get a difference of Rs 800 per quintal! Rs 500 more than A2+FL, which the government did half-heartedly implement and which was the basis for Jaitley's claims in the budget speech.

Yes, of course, a very tiny per cent of farmers are able to access the MSP. That's why, I've always said please check the record, that there are several demands, several issues to be sorted out but you don't take away what exists. You know, what we're saying about the APMC or MSP is, "The man is sick, kill him." Now, what do the farmers want? The farmers are seeking assured price and stability, right? What are you imposing on them? Mad fluctuations, like the price of milk – from Rs 30 to Rs 17 in thirteen days, so where are all this stuff about the APMC going?

Now, what do I think will happen? See, what they have is a very clear pro-corporate intent. It may not actually materialise that way as they think. It may just materialise in devastating chaos in



which middle-men will wring an even harder grip, because many more farmers will be deprived of that access which they have. The number of farmers stuck to private transactions without any intervention will be greater. You know, the thing is, if the Vashi example is anything to go by, nobody's going to come rushing in unless they are given everything on a platter.

**I think it's been amply clear that the government has always chosen the consumer over the farmer. In a sense, I suppose, the MSP is actually an embodiment of the distrust that exists between the two parties. But, as you pointed out, it's not the first time the farmers have come out in protest – we saw them walking the streets of Mumbai, we saw the milk protests, and now we're seeing them in Punjab and Haryana in greater numbers and spreading to the south as well. But, candidly speaking, what do you think will come of this? At this point it looks like by sheer bulk of majority, it's will go through – do you expect the government retrace on this? There was a suggestion of, you know, inserting that one line saying that MSP will continue, as mandated by law for any treaty. Do you think they will insert that one line, or does it look unlikely?**

You know, since this government is so capable of forcefully ramming things straight, it is entirely capable of putting up two Bills, already existing as private member Bills, one on guaranteeing the minimum [support] price and the other on

abolition of farm indebtedness. It could do both these, if it wanted to.

Mitali, I differ on one formulation that the government has always favoured the consumer. No, that's not correct. It has favoured the corporate world. The consumer – please, please don't forget that 140 million Indian farmers, out of whom 95 million full-time farmers in the 2011 census, the main cultivators – they are also consumers. Over 70% of Indian farmers, Mitali, are net purchasers of food grain on the market.

So, high food prices are not going to benefit them as these guys say, high food prices are going to really hurt the farmer. Also, I think you also have to place this in the context of COVID-19 and the pandemic and what it shows you about the society we are, the kind of cruelty, the kind of inequality, the glorification of inequality, and, you know, a celebration of inequality that is part of our social setup.

When on March 26, as Nirmala Sitharaman spoke, I wrote a piece in The Wire – where I said, I'm appealing that now that every Indian farmer, in this season, for the coming Kharif season, should shift to food crops. Because I was terrified, and still am, at the implications for food security of that 70% of farmers, many of whom in the last 25-30 years have been bullied, coerced, coaxed, into shifting to much riskier, much more expensive cash crops.

Now, they've produced a bumper harvest in *rabi* in the cash crop sector, many of them; we had a huge cotton output, a huge sugarcane output. Now,

across the world, incomes have collapsed, consumption has collapsed. Who's going to buy? The ILO tells us that workers across the world have suffered a 60% fall in income. In Asia, Africa, Latin America, higher; in rural areas, I can assure you it is much higher.

And then the *rabi* crop itself, you see how growth numbers don't reflect wellbeing, this is another simple fundamental philosophical point that free marketeers will never, ever bring themselves to accept, they can't, their edifice collapses with that. So, what you're now having in Maharashtra by the end of July, early August: 30 lakh quintals of unsold cotton, unsold lakhs of tonnes of sugarcane, and in the Kharif crop, many farmers, egged on by the state, have repeated that crop. So, now at the end of October, November, you're going to be drowning in cotton and sugarcane. Where are you going to sell it? Who's going to buy it?

Another wonderful feature of the farm Bills – a man can sell anywhere he wants. He's going to be liberated; she's going to be liberated! To go where, do what? Oh yeah, they can sell anywhere where they get a better price – can't you just see that farmer in Kanyakumari hopping onto his bullock cart and dashing off into the sunset towards Madhya Pradesh, where he hears there's a better price for paddy? You know who's going to benefit from that.

**You know much better on the pulse of what's happening with rural activity and where, often the narrative is, shaped by elite media, about a huge**

**revival in the rural economy, looking at the two-wheeler numbers, looking at the cement sales, the fact that rural is bucking the trend. What is the situation on the ground, actually, for rural farmers? Because one also takes note of the fact that the NREGA numbers are the highest that they've ever been since 2006, so people are quite obviously desperate for some kind of work and some kind of living.**

You said it yourself; the NREGA numbers reflect this desperation. They reflect despair, not a boom. When more than 20 million people have gone back.

So, in the media, Mitali, we all ask these question, "Oh, why are they going back to their villages? The question the media should have asked: Why did they leave their villages in the first place to come here? And that was something called the agrarian crisis, which the media chooses to underplay, ignore, until it cannot.

Now, you were asking me about the larger picture in the rural area, what is rural distress? Rural distress is not just about agriculture. How many journalists, how many anchors, editors even know which is the biggest sector of employment after agriculture? It isn't IT, it isn't hi-tech, it is handicrafts and handlooms. The handlooms plus handicrafts sector is the biggest employer in your country [after agriculture]. You can check the handloom census and you can also look at what has come out of the Craft Council over the last 20-30 years. They are the biggest employer of Indians after agriculture.

Now, these are what also are known: the weavers, potters, crafts makers, craftspeople. These are allied occupations of agriculture. When agriculture tanks, they are dead. You know, if you look at the farm suicides, you'll find, in many parts of this country, farmer suicides were preceded by weaver suicides. In the old Andhra Pradesh, Pochampalli, you had weavers dying by suicide. Why? When the farmers went bankrupt, the weavers lost their market. Their first market was lost. These are allied professions.

Mostly, the media does not even appreciate the difference between the agriculture economy and agrarian economy. Agrarian economy is much larger; it includes your allied occupation. Your carpenters, weavers, potters, honey-hunters, fisherman – all those people are in your agrarian economy. The agrarian society is that larger section which is dependent on agriculture. So, if the economy of agriculture tanks, they are finished.

For 30 years, by design, we went after and smashed that economy. What was the idea then? We have to liberate people from agriculture, from the drudgery of agriculture and they could go and freely choose jobs wherever they wanted. They could go and enter CISCO or Infosys. Yeah, actually some of them did enter Infosys. You'll find them in the canteen. Farmers from Mandya who are handing out chai or whatever, you'll find them in the canteens of some of these hi-tech institutions.

So, the vision 2020 plan of, say Chandrababu Naidu, on the first two pages,

envisaged getting 40% of people out of agriculture, right? So, we got many people out of agriculture. Between 1991 census and 2011 census, the number of full-time farmers in this country fell by 15 million. That's, on an average, 2000 per day quitting agriculture as full-time farmers.

When the pandemic came and the lockdown came, people were making their way back to the villages, looking for those livelihoods which India had spent the last 25 years killing.

**One final question to you, you mentioned, in our conversation that this MSP issue is almost like an immediate catalyst because of which farmers are now on the roads protesting. These three Bills which are now seeing nationwide protests, not just within the northern belt, what do you think might be the political consequences that these go through?**

I think the immediate consequences and the medium-term consequences are chaos. You will be breaking something. A vacuum is created, into which the structures that you expect to come may not come. Secondly, let me clarify, the MSP may be a trigger for discontent, but it is an important thing in itself. There is a huge surge for stability in the farming community. They've been subjected to such fluctuations. See, the farmer is one person who never gets to set the price on his or her commodity, somebody else does that. And they are subjected to murderous fluctuations of prices.

Vanilla once sold in 2003, 2002 for Rs

4,000 per kg in Kerala, one-and-a-half years, two seasons, later, it was selling at Rs 68 a kilogram. You read every year, the devastating fluctuations of onion prices. That insecurity we have condemned them to, we have now tried to institutionalise it, removing the few institutional supports. Now, saying that those will be there, they will be there as lame duck institutions. They will be there, and they will reach and serve fewer people.

So, what are the political consequences? I think the fact is that the most major forces after the BJP are opposing an action without differentiating themselves from the basic philosophy of that action. The UPA also did this. You know, have they learned a lesson from the pandemic? What did COVID-19 do for you? It did a complete and thorough 100% autopsy on the society you are, on neoliberalism, on capitalist development under neoliberal capitalism; every nerve, sinew, bone, artery, vein is on display where it's very ugly, including the maggots.

Now, you still have the Congress MP supporting the privatisation of the Thiruvananthapuram airport when every single political party in Kerala that matters in the state has opposed it. So you want me to oppose one action but not oppose the philosophy that those policies came from? That's why I've said often, the UPA was the gang that couldn't shoot straight. The NDA is the gang that can't stop shooting. Every direction, everywhere, anything it can hit.

One thing, Mitali, I think I should have done better justice for one point, which is, what could be the outcomes politically? It's astonishing that despite the pandemic, that despite the fears of infection, despite that, lakhs of farmers have been coming on the streets on one issue or the other, not just MSP. The price of milk was one issue, MSP is another, farm debt is going to be another. I think you're going to see very, very major discontent explored in the farming community.

*"The 'right to life' guaranteed to every person under Article 21 which includes a worker, would be devoid of an equal opportunity at social and economic freedom, in the absence of just and humane conditions of work. A workers' right to life cannot be deemed contingent on the mercy of their employer or the State. The notifications, in denying humane working conditions... are an affront to the workers' right to life and right against forced labour that are secured by Articles 21 and 23 of the Constitution." – Justice D Y Chandrachud in the Supreme Court while quashing a Gujarat Govt notification on Oct 1, 2020*



## The Banking Regulation (Amendment) Act, 2020 – body blow to the cooperatives

**RANA MITRA**

(An edited transcription of his lecture at a webinar organised by BEFI Kerala)

The Banking Regulation (Amendment) Act, 2020 is aimed at killing the vibrancy of the cooperatives. Following the problem at PMC Bank, a notion is being created that all financial cooperative banks mean fraud and that it should be exclusively brought under the Reserve Bank of India. That is, under the Central Government. Whereas cooperative and agriculture, both is entirely state subject in the Indian Constitution; Cooperative is entry no.32 in the 7th schedule.

The three new farm bills are meant to throw the entire gamut of the agricultural sector to meet the requirements of the big corporate houses. In a nutshell, it basically means the corporatization of Indian agriculture. The BR Act amendment, the Farm Bills, the Labour Codes, if you look at it, you will know they are the part of a whole – a holistic design. What is the design? Design is more centralization, more and more concentration of power, concentration of capital in the hands of the few.

Now let us delve into the facts. The manufactured narrative that 'Cooperative Banks are frauds' - if you look at the latest Annual Report of RBI released on 25.08.20, total frauds above Rs.1 lakh more than doubled in value in just one

year to Rs.1,85,000 crores in commercial banks in financial year 2019-20. 79.9% of that belongs to public sector banks, 18.4% to private sector banks and 1.7% to others. A small fraction amount account for the cooperatives. The frauds in the UCBs, in the last five years from 2014-15 to 2018-19 is Rs.220 crores. This is culled out from the latest report of RBI. But a notion is being spread in the country that cooperative means fraud. As if, if it is brought under the purview of the RBI then everything will be hunky-dory. We are not opposed to supervision of the cooperatives by RBI. But why are you killing the dual control? Cooperative is in the state list.

Yes, there are problems of democratic control of the cooperatives. For example, in West Bengal, in 2011, when the TMC came to power, all democratic functioning of the cooperatives are being razed to the ground. But that apart, keep in mind, everywhere, even in West Bengal, the cooperatives, when they took the money from the Vaidyanathan Committee, they have signed an agreement with an undertaking signed by the state governments, where it is explicitly stated that they would allow the democratic functioning of the Cooperatives. Isn't there is an obligation on the part of NABARD and the RBI to strictly monitor the state government. Today they are not allowing democratic functioning and they are

dismissing the democratically elected board. What are RBI, NABARD and Government of India doing? They are simply tolerating. They want the cooperative spirit and the cooperative structure to die. Because small and marginal farmers, they look to the cooperative banks more than the commercial banks. And we all know that commercial banks despite their 13 lakh 63 thousand direct loans being disbursed in the last phase, in 2019-20, if you look at their disaggregated data, you will find that big ticket loans are increasing in an astounding manner. But the cooperatives till today are serving the small and marginal farmers.

Coming back to the BR Act Amendment, what are the sections that are being amended? And RBI, as you all know, they have formed a committee to carry out the statute reforms. And this amendment to Banking Regulation Act, especially in relation to Sec.45 and others, they basically emanate from the report of the RBI committee. What does the RBI say?

Para 8.16 of the report of RBI Committee says, "The committee organized a survey of 100 clients belonging to 13 UCBs. More than 80% of the clients stated that they have become members of UCBs because they were not entertained by commercial banks." Similarly, above 80% said that UCBs provide more faster, more personalized service compared to the commercial banks. Data with the RBI shows that 84.1% of UCBs which report data fulfill stipulated priority sector lending norms of 60% of the total lending. Whereas the priority sector lending norms of

commercial banks is only 40% and today most of the banks, they don't even fulfill the 40%. Now how the priority sector lending norms have been diluted? Many must be aware that export finance was made part of priority sector long back. And very recently on 04.09.20, RBI has come out with a circular on the Priority Sector norms – what does it say? There was a clause that 1% of total loans of the banks were to be disbursed to the weaker sections at 4% rate of interest. That was the RBI circular before. In the latest circular of RBI, this has been totally done away with. What is the priority sector of today? The bank's loan to the MFIs, bank loans to the NBFCs, now form part of the priority sector. What will be its effect? The banks will start decreasing their loan exposure to the SHGs. They are mostly dominated by women as you all know. There are more than 1 crore SHGs in the country. It is an alternative channel of delivery. Banks have are reducing their exposure to the SHGs, and are overwhelmingly financing MFIs and NBFCs, who are charging exorbitant interest rates and fleecing the poor borrowers. Yesterday's MFI metamorphosing into banks today and their performance, as far as agricultural loans are concerned, as far as Kisan Credit Card (KCC) distribution is concerned, it is miserable. In state like West Bengal, as per the latest data in July, they have not performed even 1% of the target; it is fulfilled by the cooperative banks and the Regional Rural Banks (RRBs). Foreign Banks and Private Banks, most of them are zero. If you take HDFC Bank, if you take ICICI Bank, if you take the darling of the policy makers, the Bandhan Bank, their

performance is miserable. Even SLBCs are flagging it.

Now the question is that, in the present milieu, if you go to the agricultural lending, now that the three farm bills have come out, there is tremendous resentment among the farmers. and it is leading to serious law and order problems in some parts of the country. But the farmers are raging, why? We need not go into the details here as it is dealt separately in this journal. Now the entire financing structure of the banks, if the corporate have to enter this field of agricultural marketing in a big way, they will need finance, as you know, they will not bring money from their own pockets, so they will come to the banks. And it is unfortunate that a DFI like NABARD's exposure to NBFCs are increasing by leaps and bounds. If you take 2014-15' its total exposure to NBFCs/MFIs/SFBs was Rs.130 crores, last year, in 2018-19, the exposure was Rs.27,000 crores. In it, Rs.1,100 crores was the NPA of Reliance. Anil Ambani's Reliance is not going to return the money. Very recently forensic audit has been done. NABARD is saying, there is no fraud. But in the same consortium, where the Indian Bank is also there with an exposure of Rs.120 crores, Federal Bank with Rs.100 crores, they have branded it as a fraud account. It is a mysterious.

In the July release of the Governor RBI, he has told, "Banks have to be a little cautious while lending to NBFCs. This is an area where disturbing trends are coming." Who are those NBFCs? Are they lending to the small farmers, marginal farmers? No. Only Cooperative Banks

come to their rescue. And since the entire agricultural sector is being corporatized, the finance as an adage to the overall structural policy in the agricultural sector has to be changed, tuned to the change in the agricultural model of the country, the BR Act Amendment is basically aimed at killing the vibrancy of the cooperatives because until and unless they kill the peasant farming against which the farmers are up in arms throughout the country, the corporate cannot prosper, the contract farming cannot prosper, the Adanis' and Ambanis' cannot prosper. They will not kill all the farmers but the vibrancy of the farmers by choking their finance which cooperatives definitely provide to the farmers.

Now if you see the latest amendments, now cooperatives have private shareholders. Earlier who can be a shareholder? Only the members but today with the amendments it has been allowed that even outsiders can hold the shares provided the shareholders remain within the area of operation of the cooperative bank. Why the outsider will come? With the dilution of the priority sector norms, if the banks lend to the extent of Rs.2 crores, even corporate companies, they will be treated as priority sector and start-ups, up to Rs.50 lakh, if they are in the agri allied sector will be qualifying for priority sector. And non-agriculture up to Rs.50 crores investment will be branded as a priority sector. So you can imagine the dilution that is going on in the latest RBI circular. The definition of MSME is being changed and today, what is the definition? Micro means Rs.1 crore investments in

machinery and Rs.5 crore in the turnover and small, Rs.10 crores and Rs.50 crores and medium, Rs.50 crores and Rs.250 crores. So big players will be coming to the market and the entire priority sector norms will be totally diluted. Now with the DCCBs and STCBs, one is short term and the other is long term at the highest level, 33 SCBs, 363 DCCBs and 95,000 PACS are there. If any cooperative use the word 'banking', they will immediately come under RBI purview.

This BR Act Amendment must be challenged. I have mentioned that cooperative is a state sector. In Kerala, the DCCBs are being merged into the SCBs and it will be the bank of the state. If many states in India, they go the Kerala way, it will be a unique alternative in terms of a vibrant cooperative movement, especially in the long term sector. If many states in India, they go the Kerala way, it will be very difficult for the big finance of the country; it will be very difficult for the big finance of the country to survive. And Kerala, with the announcement of MSP of 16 varieties of vegetables, which is a unique step, it is an alternate model. Alternate model of people's finance is coming up. This is under attack. The cooperatives are people's collective movements. So the Cooperatives will face the brunt of the attacks.

"At a time when many people learn to convert their individual power into collective wealth through the intermediation of the cooperatives, then it can be said that the

foundation of true human freedom and democracy is laid down." said Rabindranath Tagore in his seminal work 'Samabay Niti'.

The notion of democracy in this country is under attack. Fraternity of the workers and the farmers are under attack, naturally the finance structure is under attack.

Even the mouthpiece of Global Financial Capital, the Financial Times and many others, they are desperately saying, go back to some sort of state control, some sort of Keynesian model because that the capitalism cannot exist in the present form. The present phase of neoliberalism is becoming synonymous to cannibalism.

The notion of Upanishads, I quote from 'Discovery of India' by Pandit Jawaharlal Nehru. "There is a question in the Upanishads to which a very significant and curious answer is given, what is the question? Question is 'What is this universe? From where does it arise? From what does it arise? Into what does it go?' The answer is 'In freedom it arises, in freedom it rests and into freedom it melts away.' What exactly this means, I am unable to understand, except that the author of Upanishads were passionately attached to the ideas of freedom and wanted to see everything in terms of it."

The attack on cooperatives is part of a holistic thinking to attack freedom, to attack free thinking, to attack the indigenous model of agriculture.



## BANK PENSIONERS – IN THE WHIRLWIND OF IGNOMINY

JAYANTA RAY

Bank employees who led series of movements over the years during late '50's and '60's of the century last to bring the industry under ownership of the government from the clutches of private capital are mostly dead by now, a few of them, including the present writer, are still alive and active. As a result of the movements the then 14 largest banks were nationalized in 1969 and 6 more in 1980. As a result of nationalization spectacular developments like expansion of bank branches and services in the rural and semi-urban areas throughout the country, employment of lakhs of educated youths, green revolution, white revolution etc. were visible. All out economic growth and activities ushered in a new era.

Pension in the banking sector was first introduced in the Reserve Bank of India in 1990, NABARD in 1992 and in the rest public sector and private sector banks in 1995 (agreement arrived at in 1993) as per Banking Regulation Act; however, a special type of pension component was there in the Imperial Bank, predecessor of State Bank of India, for long. Pension was given effect from 1.01.1986 in all these banks. But irony is that although Pension was given effect from 1986 there was no revision till 2019, i.e. over three decades, nowhere in the banking industry. After a series of representations to the appropriate authorities and movements launched jointly by employees' and retirees' organisations it was revised in the Reserve Bank as per Regulation and Central Government

appointed Pay Commission's formulae in March, 2019. Thereafter in NABARD in August, 2020. Barring these two Banks pensioners, overwhelming majority, are still deprived of any improvement in pensionary benefits.

Plight of the Pensioners? Pension in the banking industry, except SBI, is basically a second option. A person opting for Pension was granted pension in lieu of bank's contribution to the employee's Provident Fund. However, a large number of bank employees did not opt for Pension in the first occasion in 1993 for varying reasons. After a grim battle over the years Pension was offered to the left out retirees opting in 2010, but at a greater penalty. They had to refund 156% of the banks' contributions to the P/F to get the benefit. All these funds accrued through refund of entitlements went to a separate fund i.e. Pension Corpus Fund with statutory contribution of 10% by the bankers on the monthly emoluments given to the employees, and the banks are under obligation to get the fund audited by the actuaries every year, and if there is any shortfall, lacunae the bank has to make good and rectify them. So, the fund is to meet exclusively Pensionary obligations of the beneficiaries, this is completely a separate fund that cannot be utilized by the banks for any other commercial purpose, nor it is related to bank's profit and loss accounts. Every year the fund is swelling even after payment of Pension. And what is the quantum of Pension?

Suppose, an employee retired in 1986 his Pension stands fixed at 50% of the basic pay that he was receiving in that year. In those days pay structure was abysmally low. A few hundred rupees or at the most around a thousand. A Pensioner, even after a lapse of almost three-and-half-a-decades are still getting Pension, if he is still alive as his age will now be 95 or so, of course with Dearness Relief on that. If that erstwhile colleague of ours is no more then his wife, called a Family Pensioner, if she also is still surviving, is entitled to 15% of her husband's

Basic pay with D/R. This section apart, there is another dwindling section among the ex-employees, the section who retired prior to 1986 are given a paltry sum called ex-gratia, some sort of gratis, of Rs. 1.000/- to these employees', whose survival chance is very bleak to-day, as such persons must be above 95 to 100 or so. In 95% of the cases their widows, that too fewer in number, are entitled to get half of that ex-gratia, i.e. Rs. 500/- only with D/R, total sum is close to Rs. 3.000/- or so per month! What a shameful and inhuman joke with such a pittance! Remember, those were the people on whose bones and sweat and unbelievable hard labour the industry has flourished from seeds or small plants. Those people, our predecessors, had to come to the banks well before 10 in the morning but no fixed time to depart. The rule that prevailed those days – 'finish your day's job, then go; if not, don't come to-morrow'. Naturally many of them could leave the banks after 10, even at mid night. No transport was available to such hapless fellows then to reach their houses, many

had to stay in the nearest railway platforms, take their baths in nearest ponds or rivers, or unbathed, and attended the banks before 10 a.m. the day next. Their number in the industry, including their widows, would be around 1200 to-day. With the passage of time thousands breathed their last dreaming of better days to come. In death they survived. Pensioners from 1995 constitute the overwhelming number. Naturally, their Pensions are also determined on the same formula. The formula—Pension @50% of Pay from their respective dates of retirements. This is causing widespread anomalies for the Pensioners in the same cadre even.

What causes the anomalies? In the industry periodical revisions of wages and service conditions of the employees are held through bilateral discussions between the organisations popularly known as UFBU and IBA (Indian Bankers Association). Such settlements are known as Bipartite Settlements. This system is in existence from 1966. The settlements are arrived at a gap of every five years, though during the initial stages these were for 3 years and 4 years also. After formal introduction of Pension in 1995 there were four industrial settlements in 1997, 2002, 2007, 2012 and one more will be given effect from 2017 on which talks are going on between UFBU and IBA, of course one of the constituents e.g. BEFI has not signed the MOU (Memorandum of Understanding) on 22.07.2020 for differing opinion. So already five settlements including the one that is likely to be concluded within 20.10.2020. With the completion of every settlement there is naturally substantial

increase in wages thereby better pay-scales and other financial benefits over the previous ones are constructed, of course after hard bargaining by the negotiating teams. But the fate of the Pensioner remains unchanged, whether he is a part-timer, subordinate staff, clerk or officer. The more early you retire lesser you get, the later you retire the better you get. As if it is a crime to retire early. What an illogical fallacy! This is creating anomalies in Pension of numerous types in the same cadre also. The logic and principle of Pension is that it should be uniform in the same cadre and with each settlement in the revision of pay scales of the employees the same benefit should be extended to the Pensioners also. There cannot be two types of consideration between the Pensioners and serving employees. Many legal opinions and verdicts are there also by different courts of law in the country. But who-cares-attitude is being pursued by those in power. Anomaly has reached to such a stage that a General Manager retired in 2002 is getting less than a clerk retired in 2018!

Why deprivation? Total number of bank Pensioners is 6.91 lakhs of which regular Pensioners are 3.78.765 including 1.20 lakhs Family Pensioners and the rest are still working employees opted for Pension. Existing Pensioners' age profile is around 75 and most of them are likely to leave this world in around 2030. Thereafter banks will have to give less Pension mostly to the decreasing number of widows. Naturally outgo of fund towards Pension will be gradually and substantially reduced. In the banking industry recruitment of fresh

candidates was virtually closed from 1984 until 2010. From 2010 onwards a good number of recruitments have been made. But at the same time from 2010 New Pension Scheme has been introduced in the industry. As such all the post-2010 recruits are under NPS. So, they are under a state of 'defined contribution, undefined pension'.

Fund position. Why bankers are depriving Pensioners whose numbers are gradually sinking but still counting their days for improved Pension in the evening hours of life? Their oft quoted reply is 'fund position is not satisfactory' and that is the 'impediment'. But they are never prepared, till now, to place their arithmetic to show or prove their logic. They are simply misleading the negotiator and others. Where does stand the Pension Corpus Fund? They will never tell even what is the accumulated fund till to-day. In spite of repeated representations by all the retirees' organisations to bring out the truth of their plea of paucity of fund they are shy to come out in the open. After great pains what transpired was that : Total Interest earned on pension fund in 2013-14 was Rs. 8.557 crs, Pension pay out in the year – Rs. 7.235 crs, Incremental growth from Rs. 1.01.883 crs to Rs. 1.13.546 crs i.e. Net addition Rs. 11.663 crs in which contribution amounting to Rs. 6.917 crs added to that Corpus Fund. Then again, — on filing petition under RTI Act by one of the retirees organisations in Kerala it transpires that – Amount disbursed as pension in 2017-18 – Rs. 14.800 crs, Interest earned during the year in Corpus Fund – Rs. 18.400 crs. So, a net surplus

is Rs. 3.600 crs. Naturally every year inflow of fund is higher than the outgo.

With all reasonable calculations, as per matrix of Pay-commission as well as Reserve Bank less than Rs. 20.000 crs is sufficient to cover the demands of Pension updation and Family Pension improvement and some other financial benefits. Let Bankers come out with their calculation. Total fund needed is only 8% of the accumulated Corpus Fund of Rs. 2.40.000 crs as on 31.03.2018. Not a single rupee to be provided by the bank for the purpose, nor the government to provide for. Then what prevents IBA or the government? Even if the fund position did not permit the employers are under obligation to pay reasonable Pension to the employees as it is a 'deferred wage'.

During 10th Bipartite Settlement Pensioners' demands were tabled by the negotiators on behalf of the Pensioners' but there was virtually no progress except that a Record Note signed on 25.05.2015 between the IBA and UFBU that the Pension related issues would be reviewed. Nothing has transpired even after written commitment. In a recent circular issued on 9.10.2020 by four Officers organisations of UFBU stated addressing IBA – "It was categorically expressed by IBA in the meeting in December 2018 that impact analysis is required to understand the load factor in the individual Banks. Hence appointment of two actuaries, as was done in 2009, should be carried out within a defined time frame." See the joke! In spite of written commitment in 2015 IBA did not find time to do the home work when all data are available by them at their fingers'

tips, in 2018 again they are trying to bypass the issue on the plea of appointment of two actuaries 'within a defined time frame', nobody knows what is that. What is the time frame remains unanswered, what is 'defined' remains still undefined to the Pensioners.

Retirees issues are plain and simple –

Medical Insurance Scheme—affordable to all.

Updation of Pension as per Reserve Bank Scheme as the Pension Scheme is based on Reserve Bank Scheme.

Improvement in Family Pension.

These are the basic demands

Most distressing thing in the industry is that Retirees organisations have no access to decide and settle their issues through direct talks with the IBA. Central Government appointed Pay commissions also invite Employees' organisations and Pensioners' organisations on their issues for consideration and finally recommend what they consider appropriate. But here in this industry the Retirees have no access to IBA, nor any joint movement by Retirees organisations and UFBU has yet been materialised in the industry as in RBI. But Retirees organisations are active always with their issues. They have been relentlessly on the path of campaign and agitations throughout the country and over the years for a reasonable settlement of their burning issues. Number of representations have been made to the P.M, F.M, DFS. Ministers, C.Ms, Lok Sabha Speaker, Governors, Social dignitaries,

M.Ps, mass signature campaigns, Street corner meetings, Dharnas at Jantar Mantar and all important centres in the country, Rallies etc. A good number of M.Ps also raised Pension related issues on the floor of the Parliament; but there seems to be no positive response as yet. Many favourable Court cases are there also. It has time and again been pronounced by the Supreme Court, High Courts that Pension is a deferred wage, it is no bounty, it is a fundamental right of the Pensioners, Pension is interlinked with wage revisions etc; to quote one such – on 20th August, 2020 in a landmark judgment Nagpur Bench on Protection of Pension of the Veterans observed (LD-VC-CW-665 of 2020) : The Bank is a trustee of the account of the Pensioner and has no authority in the eyes of law to dispute the entitlement of the pension payable to the employee, other than those in the employment of the Bank. To tamper with such account and effect the recovery of pension without any authority is nothing but a breach of trust of the petitioner by the Bank...

Before parting with this Judgment, we need to remind the Bank that the pension payable to the employees upon superannuation is a 'property' under Article 30-A of the Constitution of India and it constitutes a fundamental right to livelihood under Article 21 of the Constitution of India. The deprivation, even a part of this amount, cannot be accepted, except in accordance with and authority of law.

Howsoever may be the battle hard and grim Pensioners are well prepared to fight and they shall not stop till their just and reasonable demands are clinched to their satisfaction. They want to live a dignified life till they breathe their last. They have waited for three-and-a-

half-decades, their patience is on the verge of collapse. It is hoped that the authority shall be responsive to the issues and yield to their most reasonable demands to live like 'respectable senior citizens' as they are frequently pronounced by the hierarchy.

Trade unions play a central role through collective bargaining in the unequal relationship, where workers are at a constant risk of unemployment especially when employers are large corporations. Hence all labour laws are postulated on the premise that only contracts negotiated through collective bargaining are binding and that the law will prevail in spite of individual contracts - Justice Dinsha Pirosha Madon in Central Inland Water Transport Corporation vs Brojo Nath Ganguly in Supreme Court



## बैंको के विलय का अर्थशास्त्र और इसके नीजीकरण की राजनीति

रंजन राज

बैंको का विलय - निजीकरण की दिशा में बढ़ता हुआ कदम है। भारत में बैंको के 200 वर्षों का इतिहास और इसकी अब तक की व्यवस्था को सिर्फ आर्थिक दृष्टिकोण से नहीं देख कर बैंको के विलय के राजनीति को समझना आवश्यक है। इसके लिए बैंकिंग व्यवस्था के चार विभिन्न काल-खंड का विश्लेषण करने की जरूरत है -

1. 1947 से पूर्व - अंग्रेजों के आगमन के बाद 1806 में बैंक ऑफ बंगाल, 1840 में बैंक ऑफ बॉम्बे और 1843 में बैंक ऑफ मद्रास की स्थापना ईस्ट इंडिया कम्पनी ने किया। 1921 में तीनों का विलय कर इम्पीरियल बैंक बना। इससे पूर्व इलाहबाद बैंक, पंजाब नेशनल बैंक, बैंक ऑफ इंडिया, सेंट्रल बैंक, इंडियन बैंक सहित सैंकड़ों बैंक स्थापित हुए जिसका उद्देश्य बैंको के संस्थापकों के हित में धन की व्यवस्था करना था। चूंकि निजी बैंको का कोई सामाजिक दायित्व था नहीं इसलिए इन्हें मनमाने तरीकों से चलाया जाता था। तब इन पर नियंत्रण रखने के लिए 1935 में भारतीय रिज़र्व बैंक की स्थापना हुयी। बावजूद इसके आजादी से पूर्व 900 से अधिक बैंक फेल हो गए और लोगों के पैसे डूब गए।

2. 1947 से 1969 - स्वतंत्रता के बाद इम्पीरियल बैंक को 1955 में सरकार ने अधिग्रहित कर भारतीय स्टेट बैंक का नाम दिया। बैंको के स्थापित होने और फेल होने का सिलसिला चलता रहा। इसी दौरान देश में सर्वजनिक क्षेत्र के उद्योगों की स्थापना होने लगी, पंचवर्षीय योजना के तहत आधारभूत संरचना का विकास होने लगा, ताकि देश आत्मनिर्भर बने और व्यापक रोजगार पैदा किये जाएँ। किन्तु राष्ट्र-निर्माण की इस प्रक्रिया में निजी बैंको की न तो कोई भागीदारी थी और न ही जिम्मेवारी। ग्रामीण और कृषि क्षेत्र से इनको कोई मतलब ही नहीं था। ये कर्मचारियों का भी शोषण ही करते थे। कर्मचारियों ने अपने आप को संगठित किया और बैंको के राष्ट्रीयकरण की मांग के लिए आन्दोलन शुरू कर दिया। इसी बीच 1964-65 एवं 1965-66 के अकाल ने देश में कृषि क्षेत्र के विकास की जरूरत का एहसास कराया। हरित क्रांति हेतु योजना बनायीं गयी। राष्ट्रीयकरण के लिए कर्मचारियों का आन्दोलन भी तेज़ होता गया। इस पृष्ठभूमि में 1969 में प्रधानमंत्री श्रीमती इंदिरा गाँधी ने 14 बड़े निजी बैंको का राष्ट्रीयकरण कर दिया। (तब

तक आजादी के बाद 665 निजी बैंक भी फेल हो चुके थे) देश की प्रगति को दिशा देने में यह घटना मील का पत्थर साबित हुआ. हरित क्रांति में राष्ट्रीकृत बैंको का सहयोग मिलने लगा. लोगों में बैंको पर भरोसा और इसमें पैसे जमा करने की प्रवृत्ति बढ़ी. ग्रामीण क्षेत्रों में बैंको विस्तार होने से कृषि एवं कुटीर उद्योग के लिए ऋण मिलना शुरू हो गया. हम खाद्यान्न उत्पादन में आत्मनिर्भर और बड़े निर्यातक बन गए. स्वरोजगार के लिए ऋण उपलब्ध होने लगा. बाद में 1980 में फिर 6 बैंको का राष्ट्रीकरण हो गया. बैंकिंग उद्योग में स्थाई रोजगार के अवसर बढ़े (1990 के दशक में 12 लाख से अधिक कर्मचारी अधिकारी काम कर रहे थे). इसके अलावा बैंको के सहयोग से विभिन्न संगठित एवं असंगठित क्षेत्रों में लाखों रोजगार के अवसर पैदा हुए. हम क्लास-बैंकिंग से मास-बैंकिंग की ओर बढ़ गए देश की अर्थ-व्यवस्था मजबूत होने लगी.

3. 1969 से 1990 - बैंकिंग सेवा को अंतिम व्यक्ति तक पहुंचाने हेतु इसलिए इसे वित्तीय या व्यावसायिक दृष्टि की बजाय इसे जनकल्याण के दृष्टिकोण से चलाया गया. एक और महत्वपूर्ण बात ये कि आजादी के बाद से 1980 तक सोवियत रूस- एक समाजवादी देश- हमारे कई सार्वजनिक उद्योगों की स्थापना में हमारा मददगार रहा.

लेकिन अमेरिकी नेतृत्व में पूंजीवादी देश हमेशा से भारत को एक बाज़ार के रूप में देखते थे, लेकिन कुछेक बहुराष्ट्रीय कंपनियों की मौजूदगी के बावजूद भी अर्थव्यवस्था पर उनका कब्ज़ा नहीं था. लेकिन 1980 में इंदिरा गाँधी फिर से सत्ता में आई. इसी समय उन्होंने विश्व मुद्रा कोष के कठोर शर्तों पर उससे 5000 करोड़ का ऋण लिया. और यहीं से देश की आर्थिक और राजनैतिक व्यवस्था में अमेरिकी हस्तक्षेप बढ़ने लगा. इस बीच सोवियत रूस अपने अंतर्विरोधों के चलते कमजोर होता गया और अमेरिकी प्रभाव बढ़ने लगा. फिर 1990 में श्री मनमोहन सिंह (तत्कालीन वित्तमंत्री) ने देश में आर्थिक सुधार - उदारीकरण, वैश्वीकरण, निजीकरण - की प्रक्रिया प्रारंभ कर दिया, जिसके अंतर्गत पहले सरकारी नियंत्रण को ढीला करना, फिर नीतियों और कानूनों को देशी- विदेशी निजी कंपनियों के अनुरूप बनाना ताकि इस देश कि सरकारी कंपनियों निजी अधिपत्य हो सके. लेकिन सरकारी बैंको एवं वित्तीय संस्थानों की वजह से ऐसा होना असंभव था. इसलिए देश की बैंकिंग एवं वित्तीय संस्थाओं के साथ साथ अन्य सार्वजनिक उद्योगों के निजीकरण की नीतियाँ बनानी जाने लगी. जनोन्मुखी नीतियों को बाजारोन्मुखी बनाने का सिलसिला प्रारंभ हुआ.

4. 1990 से अबतक - जून 1969 बैंको के राष्ट्रीयकरण के समय 8261 शाखाये थी जो 2018 में 142600 हो गयी (ग्रामीण ईलाके में 50000 से अधिक शाखाये). इस दौर में बैंक मुनाफे के बदले सामाजिक और सामूहिक उत्थान की नीति पर चलते हुए देश में चहुमुखी विकास में शामिल रहे. लेकिन 1990 के बाद बैंक परिचालन के तरीके को बदलने का कार्यक्रम शुरू हुआ. नरसिंहम कमिटी की अनुशंसा लागू किया गया - निजी एवं विदेशी बैंको को तरजीह, सार्वजनिक क्षेत्र के बैंको में सरकारी हिस्सेदारी बेचना, बैंको का विलय और अंततः इसका निजीकरण करना, श्रमिक के बदले तकनीक का इस्तेमाल कर खर्च कम कर मुनाफा बढ़ाना. सरकारें बदलती रही लेकिन नीतियों में कोई परिवर्तन नहीं हुआ. औद्योगिक घराने, चैम्बर ऑफ कॉमर्स जैसे औद्योगिक संगठन तथा पूंजीवादी मीडिया सरकारी बैंको के खिलाफ लगातार प्रचार करते रहे ताकि इन बैंको की विश्वसनीयता समाप्त हो जाये. दूसरी ओर नवउदारवादी आर्थिक नीतियों की आड़ में विकास के नाम पर इन्हीं औद्योगिक घरानों को अन्धाधुन्ध कर्ज दिया जाने लगा (इन घरानों का हर सरकार से सांठ-गांठ जग जाहिर है). ये ऋण डूबने लगे. वर्ष 2000 में इंडियन बैंक, यूनाइटेड बैंक एवं यूको बैंक को बंद करने की मांग होने लगी.

सार्वजनिक क्षेत्र को बदनाम करने की साजिश के तौर पर हर क्षेत्र में नियुक्तियों पर रोक लगा दी गयी. बैंकों में भी 1994 से 2009 तक एक भी नयी नियुक्ति नहीं हुयी. परिणाम ये हुआ कि काम के बोझ से दबे कर्मचारियों और अधिकारियों को जनता के अपमान के साथ साथ सरकारी कोप का सामना करना पड़ा. इस दौरान NEW GENERATION PRIVATE BANKS को प्रश्रय दिया जाने लगा. इनका मकसद था सिर्फ मुनाफा कमाना और ये प्रचार करना कि सिर्फ निजी बैंक ही बेहतर सेवा दे सकते हैं. लोग भी नवउदारवाद की चकाचौंध में ऐसा समझने लगे. लेकिन मंशा तो कुछ और थी. सरकारी बैंको के ऋण की वसूली के लिए कोई कठोर कानून नहीं बना. कॉर्पोरेट्स ऋण लेते गए, एन पी ए बढ़ता गया. बैंक और बदनाम होते गए. लेकिन 2008 की वैश्विक आर्थिक मंदी- में अमरीका सहित दुनियां भर के देशों में बैंक फेल हो गए, लेकिन हमारा देश इससे अछूता रहा - क्योंकि हमारे देश में बैंक सार्वजनिक क्षेत्र में हैं. लेकिन इस अनुभव के बाद भी सत्ताधारी वर्ग एवं लालची औद्योगिक घरानों की साथ गांठ बैंको के निजीकरण के लिए आमादा है.

इसके लिए एन पी ए कम करना आवश्यक है- तो राईट ऑफ़, लोन वेभर आदि के जरिये बड़े उद्योगपतिओं के कर्ज माफ़ किये जाते हैं

4. 1990 से अबतक - जून 1969 बैंको के राष्ट्रीयकरण के समय 8261 शाखाये थी जो 2018 में 142600 हो गयी (ग्रामीण ईलाके में 50000 से अधिक शाखाये). इस दौर में बैंक मुनाफे के बदले सामाजिक और सामूहिक उत्थान की नीति पर चलते हुए देश में चहुमुखी विकास में शामिल रहे. लेकिन 1990 के बाद बैंक परिचालन के तरीके को बदलने का कार्यक्रम शुरू हुआ. नरसिंहम कमिटी की अनुशंसा लागू किया गया - निजी एवं विदेशी बैंको को तरजीह, सार्वजनिक क्षेत्र के बैंको में सरकारी हिस्सेदारी बेचना, बैंको का विलय और अंततः इसका निजीकरण करना, श्रमिक के बदले तकनीक का इस्तेमाल कर खर्च कम कर मुनाफा बढ़ाना. सरकारें बदलती रही लेकिन नीतियों में कोई परिवर्तन नहीं हुआ. औद्योगिक घराने, चैम्बर ऑफ कॉमर्स जैसे औद्योगिक संगठन तथा पूंजीवादी मीडिया सरकारी बैंको के खिलाफ लगातार प्रचार करते रहे ताकि इन बैंको की विश्वसनीयता समाप्त हो जाये. दूसरी ओर नवउदारवादी आर्थिक नीतियों की आड़ में विकास के नाम पर इन्ही औद्योगिक घरानों को अन्धाधुन्ध कर्ज दिया जाने लगा (इन घरानों का हर सरकार से सांठ-गांठ जग जाहिर है). ये ऋण डूबने लगे. वर्ष 2000 में इंडियन बैंक, यूनाइटेड बैंक एवं यूको बैंक को बंद करने की मांग होने लगी.

सार्वजनिक क्षेत्र को बदनाम करने की साजिश के तौर पर हर क्षेत्र में नियुक्तियों पर रोक लगा दी गयी. बैंकों में भी 1994 से 2009 तक एक भी नयी नियुक्ति नहीं हुयी. परिणाम ये हुआ कि काम के बोझ से दबे कर्मचारियों और अधिकारियों को जनता के अपमान के साथ साथ सरकारी कोप का सामना करना पड़ा. इस दौरान NEW GENERATION PRIVATE BANKS को प्रश्रय दिया जाने लगा. इनका मकसद था सिर्फ मुनाफा कमाना और ये प्रचार करना कि सिर्फ निजी बैंक ही बेहतर सेवा दे सकते हैं. लोग भी नवउदारवाद की चकाचौंध में ऐसा समझने लगे. लेकिन मंशा तो कुछ और थी. सरकारी बैंको के ऋण की वसूली के लिए कोई कठोर कानून नहीं बना. कॉर्पोरेट्स ऋण लेते गए, एन पी ए बढ़ता गया. बैंक और बदनाम होते गए. लेकिन 2008 की वैश्विक आर्थिक मंदी- में अमरीका सहित दुनियां भर के देशों में बैंक फेल हो गए, लेकिन हमारा देश इससे अछूता रहा - क्योंकि हमारे देश में बैंक सार्वजनिक क्षेत्र में हैं. लेकिन इस अनुभव के बाद भी सत्ताधारी वर्ग एवं लालची औद्योगिक घरानों की साठ गांठ बैंको के निजीकरण के लिए आमादा है.

इसके लिए एन पी ए कम करना आवश्यक है- तो राईट ऑफ़, लोन वेभर आदि के जरिये बड़े उद्योगपतिओं के कर्ज माफ़ किये जाते हैं

तो फिर सरकार ने ऐसा क्यों किया जबकि 2008 की वैश्विक मंदी और स्टेट बैंक और बैंक ऑफ़ बड़ोदा के अनुभव तो सकारात्मक नहीं रहे? इसके लिए तीन अन्य व्यवस्था को इसमें जोड़ कर समझना चाहिए- INSOLVENCY AND BANKRUPTCY CODE, NATIONAL COMPANY LAW TRIBUNAL और FINANCIAL RESOLUTION AND DEPOSIT INSURANCE BILL. इन व्यवस्थाओं के जरिये बड़ी कंपनियों और कॉर्पोरेट्स को एन पी ए से बच निकलने की राह बनायीं गयी है. ऋण लीजिये, चुकता मत कीजिये और बाद में समझौते या फिर इन व्यवस्थाओं के जरिये मामूली रकम लौटा कर निजात पा लीजिये. इसमें कॉर्पोरेट्स, बैंक के उच्च पदाधिकारी और सरकारी तन्त्र का गठजोड़ जग जाहिर है. इसके अलावा यदि बैंक डूबने लगे तो जमाकर्ताओं की जमाराशि का बड़ा हिस्सा लौटाना भी न पड़े. कुल मिला कर बैंको का विलय एक सोची समझी योजना है जिसके जरिये

1. एन पी ए की समस्या को IBC CODE, NCLT और FRDI के जरिये निबटा कर बैलेंस शीट को साफ़ सुथरा किया जाये. (हलाकि FRDI BILL वापस ले लिया गया है और इसे दुसरे स्वरूप में लागू करने की योजना है)

2. बैंको में सरकारी हिस्सेदारी कम किया जाये.

3. कर्मचारियों अधिकारियों की संख्या कम की जाये ताकि विरोध करने वाली जमात (TRADE UNIONS) कमजोर हो जाये.

4. और अंततः इनका निजीकरण कर राष्ट्रीयकरण से पूर्व की स्थिति फिर से लौट आये ताकि यदि निजी बैंक डूबे तो जमाकर्ताओं की बड़ी राशि लौटानी न पड़े और सरकार इन सब से पल्ला झाड़े रहे.

मौजूदा सरकार तो कोरोना जैसी गंभीर बीमारी से उपजे गंभीर आर्थिक संकट में भी सबक सिखने के बजाय इसका इस्तेमाल कॉर्पोरेट और विदेशी पूंजीपतियों की चिंता कर रही है. स्वदेशी-आत्मनिर्भर- गो लोकल- बी वोकल फॉर लोकल का नारा लगा कर तमाम राष्ट्रीय संपत्तियों को पूंजीपतियों के हाथों सौंप रही है. खनन क्षेत्रों की नीलामी और रक्षा उत्पादन में 74% का विदेशी निवेश की घोषणा शामिल है. वित्त मंत्री की घोषणाओं के मुताबिक सभी सेक्टर को निजी क्षेत्र के लिए खोला जायेगा. किसी क्षेत्र में अधिकतम चार संस्थाएँ सार्वजनिक क्षेत्र में रहेंगे. और सही समय देख कर इनका निजीकरण किया जायेगा. रणनीतिक क्षेत्रों में कम से कम एक सरकारी कम्पनी बनी रहेगी.



कुल मिला कर बैंको के विलय की योजना निजीकरण की दिशा में लिया गया एक ऐसा निर्णय है जिसके द्वारा देश की जनता के पैसों को लूटने के लिए कार्पोरेट घरानों को खुली छूट मिल जाएगी. इसलिए न सिर्फ बैंक कर्मचारी बल्कि इस देश के लोगों को इसके विरुद्ध संघर्ष करने की जरूरत है. बैंक कर्मचारी आन्दोलन का इतिहास भी बताता है कि हम सफल हो सकते हैं क्योंकि 1990 से अब तक अलग अलग दिनों में हमारी 57 दिनों के

हड़ताल ने विलय की योजना को लगभग 30 वर्षों तक बाधित किया. हम आगे भी सामूहिक संघर्ष के माध्यम से निजीकरण की ओर बढ़ते कदम में बाधा पहुंचा सकते हैं और इसकी जिम्मेदारी बैंक में सक्रिय संगठनों के साथ साथ सभी मजदूर संगठनों और इनकी हितैषी राजनितिक पार्टियों की है और हम सबको मिल कर बैंको के निजीकरण के खिलाफ एक बड़ी जंग लड़ने की जरूरत है.

On judicial function being vested with the executive, the Division Bench of Madras High Court had observed (Gajendran, 2014): "On enforcement of the Code (Criminal Procedure), there has been complete separation of Judiciary from the Executive to implement the mandate under Article 50 of the Constitution which requires that State shall take steps to separate the Judiciary from Executive. By merging the judicial function in the executive, the basic structure of the Constitution is affected; justice and fair trial cannot be ensured by the Executive Magistrates. In other words it is clear that the Executive Magistrate has no role to play in conducting judicial trial and recording judicial decisions."

## A Report on contractual front

Sudipta Saha Roy

The Indian labour laws are in transition to complete anti-labour stance. The working people of all shades, hence, are making all preparations to resist Central Govt's authoritarian stance by observing a countrywide general strike on 26th Nov, 2020. In the meantime, the outsourced workmen of banking industry are getting further organised to face the challenge of massive redundancy and thereby unprecedented retrenchment. The merger of UBI and OBC with PNB has resulted in huge redundancy of personal drivers and Bank Contractual and Contract Workmen Union, West Bengal, in response to the demand of the present day has seriously taken up the issue to further cement the unity of such people. Not only drivers, but also armed guards of OBC and PNB are being retrenched on the ground of redundancy. All such outsourced workmen have been discharging the huge responsibility of such perennial jobs for at least 10/12 years at a stretch.

The merger of banks is also causing severe adverse effect on size of cash remittance service teams. The overall remittance size of the merged entity is drastically downsized. As a result, a large number outsourced cashiers /cash officers, custodians, loaders, armed guards are getting hugely redundant.

All these issues have not evaded the eyes of BEF, WB and BCCWU, WB. Hence, they are in struggle on the basis of uniting these workmen.

BEF, WB and BCCWU, WB are constrained to observe that those who are being thrown out are being denied of legitimate dues including gratuity.

They also observe that those who are not

yet retrenched are being subjected to under wage and are being further deprived of some statutory entitlements.

This is simply the prelude to another incoming blow to such outsourced workmen on the pretext of redundancy.

In the arena of growing private banking sector, the enforcement of existing labour laws, though they are awaiting changes and not yet codified as unilaterally decided by the anti people govt amid massive protests is taking the worst shape. At the behest of the central govt, it is overtly rampant, the power of assertion in some particular areas of the labour conciliatory machinery is being systemically undone to the detriment of the minimum interest of the hapless outsourced workmen.

The worst offender in this regard is Bandhan Bank management. In Bandhan Bank, under the designation of door step banking officer a large number of youth are forced to work from 7am to 9/10pm, 14/15hrs at a stretch against a paltry sum of Rs. 10,700/- as monthly salary. They collect money for the bank from depositors at far flung areas without any security guard risking their lives every day.

However, all these all pervasive attacks are flowing from the policy decision of the Govt -managements combine and these cannot be clinched by the trade union struggle alone. Hence, broadest unity of struggles of all shades of people in crores is the only panacea. The wide spread action on 26 Nov, 2020 is expected to be the beginning of the striking back by the millions of working people of the country.

## STRUGGLES INTERNATIONAL

JOSE T ABRAHAM

### **Bangladeshi jute mill workers and farmers protest over mill closures**

Hundreds of jute workers and farmers demonstrated in Khulna and Tangail on Monday to demand the immediate reopening of jute mills under government control, protection of jute farmers, fair prices for raw jute and the industry classified as a national asset. In July, the government closed down 25 state-owned jute mills, claiming they were running at a loss. About 50,000 workers lost their jobs overnight while thousands of jute farmers were left with no income. The government claims the mills would be reopened through public-private partnership or leased.

### **Indonesian paper mill workers continue picket despite police attacks**

Sacked workers from the PT Tanjungenim Lestari Pulp and Paper (PTTL) mill in Lampung Province, Sumatra, are maintaining their long-running 24-hour picket line in defiance of police attacks. On August 8, 120 police dispersed and assaulted the 50 workers, including females, at the picket which was established more than 80 days ago. The sacked workers are demanding reinstatement of 38 employees, all of whom are members of the Federation of Indonesian Pulp and Paper Workers. They

were dismissed in a union-busting operation just as the coronavirus began to hit Indonesia.

### **South Korean doctors continue strike action**

Tens of thousands of resident doctors from general hospitals and practitioners from regional clinics walked out on a three-day strike on 26th August to protest against the government's medical workforce reform plan. Members of the 130,000-strong Korean Medical Association (KMA) were defying a return-to-work order and threats of punishments. South Korea's five major general hospitals were forced to limit their hours and delay scheduled surgeries. The strike followed weeks of walkouts that started on August 7 with a one-day strike by about 16,000 members of the Korean Intern Resident Association.

### **Taiwan railway workers protest over unpaid overtime**

Thousands Taiwan Railways workers, including train-car crews and dispatch workers, have demonstrated outside the Ministry of Transportation and Communications in recent weeks to demand unpaid overtime for May and June. Taiwan Railways management is conducting a vicious attack on jobs, wages and safety conditions. The protesting

workers say that cuts in the rail workforce has led to increased overtime and the danger of workplace and train accidents.

### **Sydney bus drivers hold four-hour stop work meeting**

Public transport bus drivers held a four-hour stop work meeting on 24th August affecting services in Sydney's north-western suburbs, northern beaches and eastern suburbs. Drivers were demanding the provision and compulsory wearing of face masks by passengers during the COVID-19 pandemic.

### **UK National Health Service workers protest low wages**

Thousands of National Health Service (NHS) workers across the UK protested on 19th August as part of the "NHS Pay 15" movement, demanding a 15 percent pay rise. Staff from Guys' and St Thomas's hospitals in London marched to Downing Street, holding pictures of Prime Minister Boris Johnson and Health Secretary Matt Hancock with blood on their hands. Their banners demanded "Pay justice now." One senior nurse told media he earns roughly the same as he did 10 years ago. Some workers report being unable to afford tube fares to travel to and from work on their current wages.

### **Sudanese bank workers to strike as sit-ins continue**

Workers at government-owned banks stuck work on August 25, to demand banking system reform. Staff at the Family Bank were already on strike from August 23. Bank workers in South Kordofan, West Kordofan and South Darfur are continuing with sit-in protests over lack of provisions and services. Sudan has 13,045 confirmed COVID-19 cases and 823 deaths.

### **Strikes and protests continue in Iran**

The strike by oil, gas and petrochemical workers in Iran in pursuit of wage arrears is in its third week by August second week. The strike encompasses 54 facilities with protests taking place in 23 cities throughout 12 Iranian provinces. Workers at the Haft Tappeh sugar cane complex have been on strike for more than nine weeks. They are seeking wage arrears and demanding the renationalisation of the company. Workers at the Heavy Equipment Production Company are continuing their regular protests in the city of Arak. They are protesting arrears of wages and for production at the company to restart after it was handed over to private owners. Railway workers in five major cities including Tehran began a strike and protests on August 14 and have held protests.

"If violations of labour laws are going to be punished only by meagre fines, it would be impossible to ensure observance of the labour laws and the labour laws would be reduced to nullity. They would remain merely paper tigers without any teeth or claws." - Supreme Court in *People's Union For Democratic Rights and Others vs. Union Of India & Others*, 1982 (Asiad case)

## Naked State Onslaughts on the workers and peasantry of the country

### **23 September 2020 – Nationwide Workers' Resistance against anti-labour legislations**

Amidst the deadly global pandemic causing deaths and immense sufferings to millions and millions, and the consequent ravages in economies, while most of the nations are providing various economic supports to their workers who have lost their jobs or who are unemployed, our government instead has opted for ruthlessly withdrawing the effective legal protections that could hitherto protect them from unlawful retrenchment or dismissals. The changes in industrial laws aim at allowing full freedom to factories of up to 300 employees to hire and fire workers without seeking any statutory permission.

The legislations were carried out without any meaningful discussions with the trade unions and in cold mockery of parliamentary processes. The three labour Bills – the Code on Industrial Relations, the Code on Social Security and the Code on Occupational Safety, Health and Working Conditions – were cleared in Lok Sabha and Rajya Sabha without the presence of opposition members!

With the introduction of the new labour codes, the working class has become more vulnerable and the corporate is given free hand to hire and fire them. The codes further will promote fixed-term and contract work without adequate social protection.

The Right to strike has been made almost impossible under the law.

All the central trade unions and national federations jointly observed protest day on 23rd September. Crores of workers at more than a lakh places all over the India participated in the protest action for withdrawal of the draconian legislations. The angry protestors tore up the copies of the bills and through their massive mobilisations despite the spurt in viral attacks have declared that these calamitous legislations will be fought back and that unrelenting struggles lie ahead.

In line with their warning a virtual national convention of central trade unions INTUC, AITUC, HMS, CITU, AIUTUC, TUCC, SEWA, AICCTU, LPF, UTUC and independent federations and all India federations was held on 2nd October, 2020 that called upon the Indian working class to hold an All India Strike on November 26, 2020. The whole of the October huge campaign for mobilizing public support for their cause had been chalked out. The One Day Strike is in preparation for more intense, more tenacious and longer struggles that lie ahead.

### **25 September, 2020 Farmers Organisations observed Bharat Bandh**

At the call of All India Kisan Sangharsh Coordination Committee (AIKSCC), All India Kisan Mahasangh (AIKM) and Bharatiya Kisan Union (BKU) "Bharat



## DEMANDING

- ☞ Cash transfer of Rs 7500 per month for all non income tax paying families
- ☞ 10 kg free ration per person per month to all needy
- ☞ Expansion of MGNREGA to provide 200 days' work in a year in rural areas at enhanced wages; extension of employment guarantee to urban areas
- ☞ Withdraw all anti farmer laws and anti worker labour codes
- ☞ Stop privatisation of public sector including the financial sector and stop corporatisation of Govt run manufacturing and service entities like Railways, Ordnance Factories, Ports etc.
- ☞ Withdraw the draconian circular on forced premature retirement of Government; PSU Employees
- ☞ Provide Pension to all, scrap NPS and restore earlier Pension, improve EPS-95

**OBSERVE** **BANK**  
**ALL INDIA STRIKE**  
**26 NOVEMBER 2020**



**BANK EMPLOYEES FEDERATION OF INDIA**

## BEFI Affiliates Join Relief Camps for Marginal People



Co-operative Bank Employees Federation & State Co-op Bank Employees Union



Dena Bank Employees Union &  
Vijay Bank Employees Union



Bank of India Employees Union &  
Burdwan Dist. Central Co-operative  
Bank Staff Union



BEF WB & Reserve Bank Retirees Association



Union Bank Employees Association &  
UCO Bank Employees Association



Central Bank Employees Union



Nabard Employees Association



Indian Bank Employees Union



## Preparing for 26th Nov. 2020 All India General Strike



Wall Writing



Street Corner Meeting by Bank Contractual and Contract Workmen Union, W.B.



Procession at Siliguri



State Convention West Bengal



Rally at Guwahati



Inauguration of Paschim Bardhaman Dist. Office of BEF W.B.



Bank employees family members in defence of PSBs



Protesting against Hatras gang rape



Naresh Paul memorial lecture at kolkata

