



Conviction and repression

There is a risk of inflamed separatist passions in Kashmir following Yasin Malik's conviction

After pleading guilty to all charges related to a terror funding case, including those under the stringent Unlawful Activities (Prevention) Act (UAPA), it was inevitable that separatist leader Yasin Malik, chairman of the Jammu and Kashmir Liberation Front, would be sentenced to life imprisonment as he was by an NIA court. Malik's chequered past includes serious charges of being involved in the killing of Indian Air Force officers in 1990. It is another matter if Malik, who claims to have abjured violence and has been part of several parleys with the Indian government in peace talks since the mid-1990s, was pleading guilty to all charges in order to make a political statement and to inflame passions to get support for the flagging separatist leadership in the Kashmir Valley. Nevertheless, with the Union Government adopting a hard line since 2019 in dealing with the separatist movement, it was a foregone conclusion that the charges against Malik would have been doggedly pursued. Among the separatists, the JKLF remains an outfit committed to the independence of Kashmir, including parts of Pakistan-occupied Kashmir, placing it on a confrontationist course with the Indian government, notwithstanding Malik's claims of giving up violence as a means. The initial reaction in the Valley to Malik's conviction was an uptick in violence and protests even as security clampdowns were put in place to prevent any further upsurge. Malik's arrest and conviction, the ongoing house arrest of Mirwaiz Umar Farooq and the death of hardliner Syed Ali Shah Geelani suggest that the political face of separatism has been neutralised in the valley.

Yet, this does not mean that the voices of separatism in the Valley have been silenced. Militant incidents with law enforcement, security personnel and even Kashmiri Pandits as targets have continued to rage on, and the absence of the political leadership is expected to give way to more militancy. This is a situation that should not be taken lightly. With the mainstream Kashmir polity also nursing a grievance of alienation over the Indian government's decisions to do away with the special status for Jammu and Kashmir, its bifurcation into two Union Territories and loss of statehood, besides the ham-handed approach to achieve a politically suitable delimitation of electoral constituencies, the situation in the Valley threatens to return to what prevailed during the violent 1990s. It is possible that Yasin Malik's

Doing no justice to a vision of democracy

The existing economic system pursued by the political parties is antagonistic to the model envisioned by B.R. Ambedkar



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Across the globe, like never before, Bhimrao Ramji Ambedkar's 131st birthday (April 14) was celebrated in diverse forms. To honour him and other anti-caste icons such as Jyotirao Phule, Canada's British Columbia province has declared April as 'Dalit History Month'. In the federal State of Colorado and Michigan in the United States it is 'Dr. B.R. Ambedkar Equity Day'. In India, the Government of India has directed public institutions to formally celebrate Ambedkar's birthday. The Uttar Pradesh government celebrated this day as "Day of Social Harmony". The Tamil Nadu government has declared it a "Day of Equality". At the same time, attempts are also being made to (mis)appropriate Ambedkar by parties, organisations and individuals of various ideological persuasions for their own interests without making any effort to embody Ambedkar's principles of socio-cultural justice and economic fairness.

Celebration needs substance

A critical examination of these celebrations, at least in India, reveals that these are primarily a celebration of Ambedkar's zeal, mainly keeping electoral gains in mind. This maybe important but it does not do justice to Ambedkar's grand emancipatory vision of democracy. Most of these celebrations have not only been oblivious of Ambedkar's anti-caste and anti-patriarchal vision but also seem to be deliberately ignoring his worldview on economic equality, fairness and justice. The existing economic system pursued by the political parties at the Centre and State levels is mostly antagonistic to the model envisioned by Am-

bedkar. It would be worthy to revisit some of the salient features of his works on economic democracy to draw lessons for today. As Labour Minister (Member) of the Viceroy's Council (1942-1946) and through his writings such as States and Minorities (1947), Ambedkar clearly laid out his vision regarding the substance of political economy.

As far back as 1928, Babasaheb had struggled to get the Maternity Benefit Bill passed in the Bombay Legislative Council. This was later taken up by the Madras Legislative Council in 1934. In 1942, Ambedkar changed the work time to eight hours per day from earlier 12 hours. Ironically, the current dispensation, during the COVID-19 pandemic, wanted to bring back the 12 hours of work a day norm. Recently, a few trade unions had to submit a memorandum to the Bharatiya Janata Party government opposing its plan to change the Factories Act, 1948 to reinstate 12 hours of work. In fact, the Uttar Pradesh government in 2020 was forced to rollback 12 hours of work time after labour unions protested and the Allahabad High Court issued a notice to the government.

The process of massive 'contractualisation' and 'informalisation/casualisation' of labourers since the 1990s has not only widened the economic inequality between employer and employee but also between high paid permanent employees on the one hand and low paid regular, contractual and temporary employees on the other. Contract workers have increased from 15.5% in 2000-01 to 27.9% in 2015-16 even in the organised manufacturing sector. In States such as Bihar, Uttarakhnad and Odisha, a majority of the organised manufacturing workforce is contractual. Despite the prohibition under the Contract Labour (Regulation and Abolition) Act, 1970, contract workers are being paid lower salary/wage for the same work. This is a clear violation of the law and Article 141 of the Constitution, as observed by the



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Supreme Court of India in 2016. The Supreme Court overturned the verdict of the Punjab and Haryana High Court that temporary employees of Punjab government were not entitled to equal pay for equal work on par with permanent employees. Even among regular workers, according to the Periodic Labour Force Survey (PLFS) data (2017-18), 45% were paid less than ₹10,000 a month and 72% were paid below ₹18,000 a month. Only around 3% of regular workers earned between ₹50,000 to ₹1,00,000 a month and only 0.2% earned more than ₹1,00,000 a month. The emergence of new classes and new contradictions threatens the very democratic existence and secular fabric of this country. Ambedkar was clear that a continued existence of glaring inequalities and the tyranny of majority will sound the death knell of Indian democracy.

Adhering to the principles

It is worth recalling here that Ambedkar not only established equal pay for equal work irrespective of gender as a member of the Viceroy's Council but also included this as part of the Directive Principles in the Indian Constitution. However, women still continue to receive on average between ₹70 to ₹90 a day, less than men as both formal and informal workers. Imagine what would have been the stand of Ambedkar regarding this had he been alive? He would have been equally shocked to see the huge pay gap between formal and informal sector workers. Informal workers constitute 93% of the formal and informal sector workforce in India. Some recent estimates

suggest that informal sector workers on average continue to get 30% to 40% of the real daily wage of formal workers. The four labour codes (on wages, social security, occupational safety and industrial relations), which were brought in by the BJP government after consolidating 44 labour laws, are going to worsen the situation of workers.

Workers in the unorganised sector organised a protest in April 2022 in Tamil Nadu urging the State government to pass a resolution in the State Assembly demanding that the Central government withdraw the four labour codes. One of these codes – Industrial Relations Code, 2020 (IRC) – directly infringes upon the right to strike, which was recognised by Ambedkar as one of the fundamental rights of workers. This was the reason the Indian Trade Unions (Amendment) Bill was passed in 1943, with the effort of Ambedkar, which had made recognition of trade unions compulsory. There were many other contributions of Ambedkar in institutionalising laws related to worker's insurance, minimum wages, worker's welfare, etc., many of which the four labour codes seek to circumvent or reverse surreptitiously. Therefore, it is high time we stand by the ideals of the architect of the Constitution.

Ambedkar's vision

It is imperative to understand the main reasons behind Ambedkar's active interest in economic and labour rights. First, he strongly argued for simultaneously addressing substantive questions of political, social, and economic democracy because they are intertwined with each other in a way that leaving out one will jeopardise the progress made in another. Second, he was as much a believer in economic justice as in social justice.

This becomes clear when we go through his work, States and Minorities. This document not only contained extensive safeguards for

the emancipation of the Scheduled Castes but also laid out his vision of socio-cultural justice and economic fairness. He had argued for nationalisation of key and basic industries, the agriculture and insurance sectors. He wanted the State to allocate agriculture land only on tenancy basis to people (irrespective of caste, class and creed) for collective farming. This vision was obviously against whatever is being done in the country in the post-liberalisation period and greatly intensified in the last decade or so. The on-going monetisation/sell-off/privatisation of airports, the Indian Railways, Bharat Sanchar Nigam Limited (BSNL)/Mahanagar Telephone Nigam Limited (MTNL), the Life Insurance Corporation of India (LIC), public sector banks and other public sector organisations are grave assaults on economic democracy.

It is not without reason that labour was placed under the Concurrent list in the Indian Constitution. Further, the Labour Investigation Committee and Labour Commissioners' were instituted by Babasaheb to ameliorate the condition of workers as much as possible within the existing law. Hence, the Union and State governments must take the lead in not only stalling the privatisation spree and undertake necessary measures to get the four labour codes repealed but also take proactive measures to follow the triad vision of democracy – social, economic and political – if they want to celebrate Babasaheb in the true sense. Without adhering to Ambedkar's ideals and merely appropriating the icon is just another pretext to divert people's attention from everyday materiality. Dr. Ambedkar was dead against hero worship or Bhakti in politics, which he thought was a sure path to degradation of democracy and eventual dictatorship.

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