

Issue 4 ★ November 2020

# TECH PEOPLE DEFY



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**Editor**

Rikta Krishnaswamy

**Editorial Board Members**

Anuj Chatterjee

Cheenangshuk Das

Jai Vipra

Kumkum Baidya

Manas Datta

Moin Ansar

Satyavrat KK

Saubhik Bhattacharya

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Cover page : [Kshiraja Krishnan](#)

Article Illustrations : [Kruttika Susarla](#)

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# EDITORS' NOTE

In the preface to 'A Contribution to the Critique of Political Economy' Marx argues that when society can no longer develop its productive forces – when science, technology, and industry stagnate; when economic growth, employment, and rising living standards cannot be guaranteed – that revolutions occur, in order to remove the barriers standing in the way of progress.

It is not technology itself, but the use of technology under capitalism, implemented in an unplanned way, which leads to stagnation and mass unemployment. This in turn places pressure on those still in work to accept lower wages, as competition for the remaining jobs increases. Alongside the creation of an 'artificial surplus population', there exists also a super-exploitation of those remaining in work, again in the name of increasing profits for the capitalists. Thus arises the contradiction in which massive unemployment can sit side-by-side with millions who must work 60+ hours per week or at times work multiple jobs in order get by.

The onslaught that workers in India are facing now is part of this very process. Worker rights and protections are being revoked and workers' benefits are considered impediments to growth. They are indeed impediments to the growth of monopoly profits, but they are not impediments to economic growth. In this issue, Tapan Sen from the Centre of Indian Trade Unions writes about how we need to counter this assault on hard-working masses and the country at large, through collective defiance. Gunjan deep dives into the Tech Won't Build It movement that started in Silicon Valley, and shows us why it is important for IT unions in India to draw organisational lessons in order to envision a better future for our tech industry and society at large.

Satyavrat profiles workers in the computer graphics and visual arts industry, especially how the pandemic is affecting them. Also in relation to the pandemic, Subho and Priyanka reflect on how Covid-19 has affected call center employees and the challenges they face while working from home. Pritish from the Students' Federation of India writes about how the neoliberal juggernaut is coming not just for workers and farmers, but also for students. The new National Education Policy is a nightmare of privatisation and exclusion, and Pritish outlines how students have been fighting it. Lastly, we have started a new section called Ask the Union, where we will post responses to everyday concerns of tech workers, vetted by our legal team. If you have any specific questions or need legal help, email us at [aiiteu.gs@gmail.com](mailto:aiiteu.gs@gmail.com).

The pandemic has shown us that we cannot go back to the way things were before. Hence the most important part of every article in this edition is that it does not stop at enumerating problems. In every article we are always seeking to answer: How can we collectively fix this? This is why this issue is called DEFY – we hope some of our spirit translates on to these pages and into our readers' lives.

Warmly,  
The Editorial Team



**TAPAN SEN, GENERAL SECRETARY, CITU**

**TO SAVE THE  
NATION, WE  
NEED COLLECTIVE  
DEFIANCE**

**There is a commonly-held view that the current crisis, which has resulted in a massive output contraction and increase in unemployment, is because of Covid-19; and that once the pandemic gets over things will go back to a 'new normal'. The ruling party has used this situation to intensify privatisation, surveillance, anti-scientism, communal/caste bigotry and undemocratic processes. This is the 'new normal' we see around us and it is time for us the people of this country to collectively defy it.**

## **THE MYTH OF THE NEW NORMAL**

We keep hearing the phrase 'new normal', used as an empty buzzword that serves to conceal more than it actually explains anything about the current condition. The truth is, we find ourselves in an 'abnormal situation' created by the ruling classes to serve their class interests. The BJP government led by Modi is riding roughshod over all institutions, procedures and norms and attacking the people, utilising the lockdown and the restrictions imposed under the Disaster Management Act.

Practically nothing has been done to address the pandemic and ensure protection and affordable treatment to the people. Instead, private corporate health services are being allowed to encash this crisis for making huge fortunes at the cost of common people. Generally the impression that is being sought to be created among the people is that this abnormal situation is a temporary phenomenon till the pandemic situation remains. This is absolutely wrong. In fact, the pandemic is being utilised by the ruling class to restructure the governance of the economy, political system and the society in a total authoritarian direction with a fascist intent to serve the interests of the capitalist class.

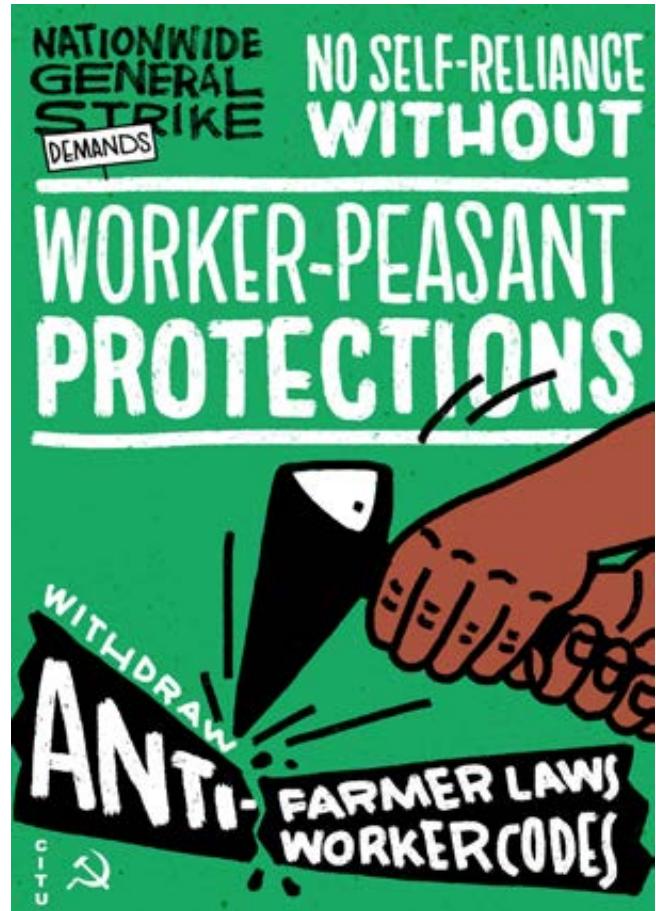
# THE MACHINATIONS OF THE MYTH

The facts hardly bear out this rosy picture. As per CMIE estimates, more than 14 crore people lost their livelihood due to Covid-19. And this clearly revealed that loss of livelihood in unorganized sectors and self employed could not be fully captured even in part. And those who were on the jobs were subjected to indiscriminate cuts on wages and other benefits.

Migrant workers employed in all sectors including in industry and agriculture were the worst affected. The directions of the government not to retrench workers and deduct wages, not to evacuate them from their rented houses remained on paper.

The developments after the announcement of lockdown clearly indicate a calculated and vicious decision of the BJP government led by Modi to utilise the lockdown, when the workers and the toiling people of the country are in severe distress, to push its anti-worker, anti-people and anti-national neoliberal agenda, particularly in the matter of curbing rather eliminating the rights of the workers and their trade unions. All the draconian labour code bills, designed in that direction were mostly introduced in Parliament by end 2019 itself, before the pandemic.

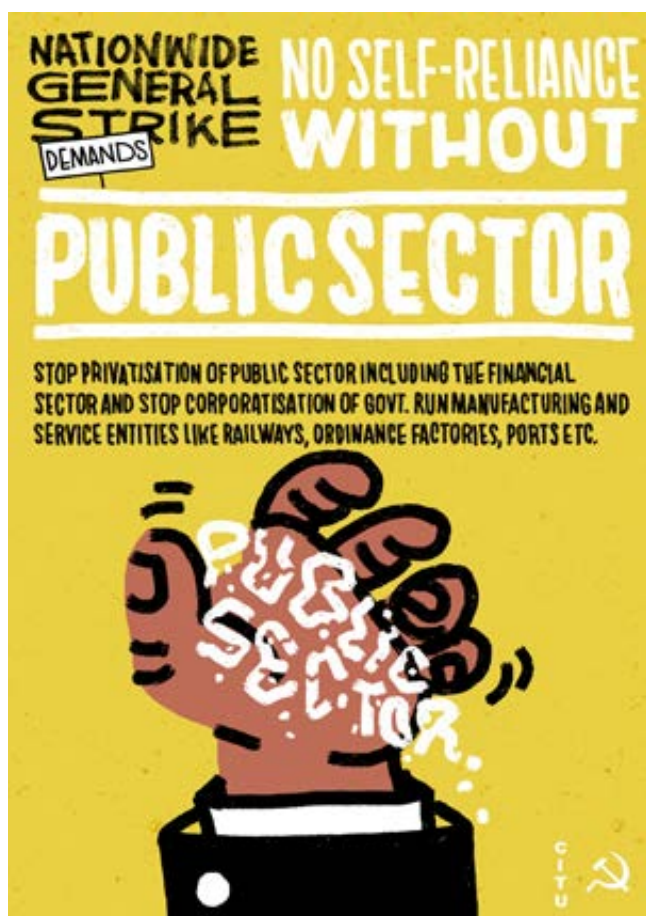
▼ Demands poster for withdrawal of anti-worker and anti-farmer laws for upcoming Nationwide General Strike on November 26, 2020



The anti-worker notifications and ordinances issued or announced in rapid succession during the lockdown, by the BJP governments in Uttar Pradesh, Madhya Pradesh, Gujarat, Assam, Karnataka, Tripura, as well as Congress led Rajasthan, Punjab and BJD led Odisha etc, could not have come without a clear direction from or concurrence of the PMO. It was only the LDF government in Kerala which has categorically announced that it was not going to make any anti-worker amendments to the labour laws. And of course, the JMM Govt at Jharkhand also took a similar stand.



▼ Demands poster against forced looting of public assets for upcoming Nationwide General Strike on November 26, 2020



And finally, in the last monsoon session of Parliament, the Govt. passed the rest of the three Labour Codes, viz., Code on Occupational Safety, Health and Working Conditions, Industrial Relations Code and the Code on Social Security by bulldozing the opposition in crude violation of Parliamentary procedures and norms.

The BJP government has bulldozed the opposition in Parliament to pass three Farm Bills. It has passed the three Labour Codes in the absence of the opposition in Parliament. It is using all available institutions –

the police, CBI, ED, SIT, NIA, IT, etc to harass, intimidate, threaten and suppress all voices of opposition and resistance.

It is particularly targeting those intellectuals, social activists and progressive people fighting for the democratic and human rights of dalits, minorities, women and other marginalised sections of society and the people in general. Independent constitutional authorities are being subverted. The Judiciary, by delivering verdicts sans justice, is increasingly aligning with the administration. It is abdicating its responsibility of protecting the Constitution and the principles and rights enshrined in it.

In such an anarchic atmosphere of increasing state-patronised criminalization and lumpenisation, the weakest sections and the most downtroddens become the worst victims.

Recent happenings of brutalities on minorities, dalits and women in particular, specially in the BJP-ruled states or its allies, including rape, molestations and murder- all with the patronage of the state administration are the reflections of such perverse degeneration sought to be engineered by the BJP and its bandwagons; and being portrayed as “something that just happened” in this so called “new normal” situation.



## HOW WE DEFY

This is not the situation in our country alone. The ruling classes across the world and the governments representing them in many countries are resorting to the same policies and tactics to maximise the profits for the capitalist and landlord classes by attacking the hard won rights, wages and benefits of the toiling people. They are looting public assets and grabbing natural resources to amass wealth.

Whether it is in the USA, Latin America or Europe, voices of opposition are sought to be suppressed. Divisions on the pretext of race, colour, religion, region, gender are sought to be perpetuated, to weaken united struggles.

Despite this, workers across the world are resisting and fighting back. Unemployed workers, vendors, mobile app-based food delivery workers, transport workers, care workers, hospital employees, and workers from many other sectors in Latin America, Europe, Africa and USA etc, as in our country, are going on struggles including strikes.

In India, we have seen the unorganised sectors, migrant workers, the IT and ITeS sector, road transport workers, Anganwadi and ASHA workers, coal workers, factory workers, electricity employees, plantation workers, farmers, and many many more rise up in large numbers to fight and defy the various and wide ranging machinations of the ruling dispensation that has led us to this state.



# THE SPECIFIC PATH FORWARD

This leads us to our pointed agenda in the coming times, and how we shape our collective defiance.

## 1. NATIONWIDE GENERAL STRIKE ON 26TH NOVEMBER

The decision of a countrywide general strike by the joint platform of Central Trade Unions could not be achieved automatically. There have been many hesitations, not merely among other constituents of platform but even within various levels of our own organisation. This general strike of 26th November 2020 is conceived to be the launch pad for even heightened united action by the working class in face of the desperate authoritarian attacks by the ruling class on our nation. It will be the curtain raiser for further militant actions of defiance and resistance by the working class and toiling people of the country including the possibility of multiple days of strike action.

## 2. SOLIDARITY WITH PEASANTS' STRUGGLE

The All India Kisan Sangharsh Coordination Committee (AIKSCC) in continuance of their ongoing struggle against draconian Farm legislations has decided to organise a massive Delhi Gherao through road blockades by farmers on the nearby states on 26-27 November 2020, and hold militant protest demonstrations on the same days throughout the country. We have to extend our active support to the farmers' struggle programmes; while observing the general strike on 26th November. We will also join and support the farmers' agitations on 26th and 27th November by all possible means.

## 3. INTERNATIONAL SOLIDARITY

The World Federation of Trade Unions (WFTU) has given a call for fund raising to carry on its activities and intervention in the international working class movement, playing a very important role in the background of surging class struggle worldwide.



# HOPE AMIDST STRUGGLE

Comrades, the situation is new in many ways – the lockdown is unprecedented; the attacks by the ruling classes utilising the lockdown are unprecedented.

The CEO of NITI Aayog has clearly defined the perception of the ruling classes about the situation – Now or Never. Now or never to push the working class and the toiling people into servility and maximise profits; grab natural resources and public assets by bulldozing all opposition and amass wealth.

No to Constitutional rights; no to democratic rights; no to independent institutions; no to equality, social justice; nothing if these come in the way of corporate loot and plunder of the country and its people.

## THE BATTLE LINES ARE DRAWN.

If it is 'Now or Never' for the ruling classes, can it be otherwise for the working class, for the toiling people? Do we have any other choice than to take the challenge head on, if we do not want to succumb or be pushed back into slavery?

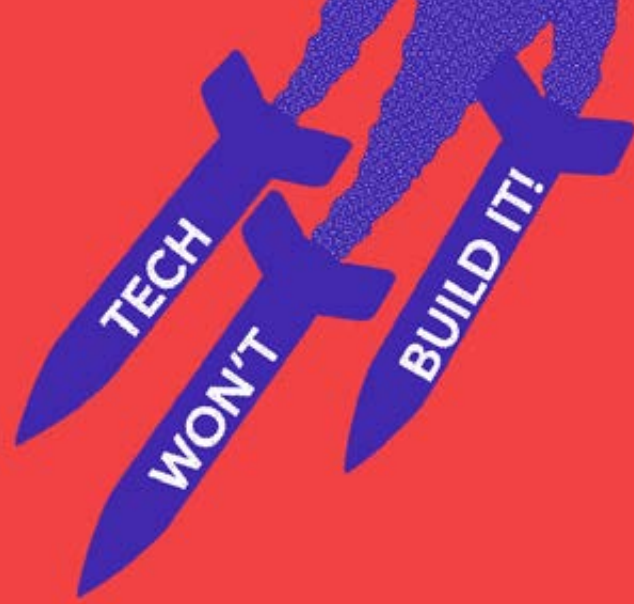
The working class was not born with rights. It won its rights from the ruling classes, who were equally powerful at that time, if not more than, today.

Today, the working class has to send a message, through its struggles, that it is not ready to give up its hard won rights and while fighting for winning our rights, we will win the rights for everyone. It is with this ethos that we begin our preparations for the 26th November general strike and for all the ensuing militant struggles and strikes.

**IF IT IS 'NOW OR NEVER' FOR THE RULING CLASSES, IT IS 'NOW OR NEVER' FOR US TOO. TOGETHER, WE WILL OVERCOME.**







**BY GUNJAN JENA, AIITEU MEMBER**

# **THE TECH WON'T BUILD IT MOVEMENT**

**Technology workers in the Global North are defying their companies. Here's what Indian tech workers can learn from it.**

The difficulty in organising software engineers into unions has long been documented. This arose from several factors- first the social class and remuneration of software engineer tech workers is usually closer to that of the management than other classes of workers. Second, the companies have often gone above and beyond to ensure greater comfort to software engineer workers in order to stave off attempts at unionisation and organised action. Third, because tech companies such as Amazon and Google have invested considerable resources in fighting unionisation at their workplaces.

The Tech Workers Coalition was started partly to address this issue and to help organise among this demographic, and it was this organisation's efforts that led to the Tech Won't Build It movement.

## WHAT IS 'TECH WON'T BUILD IT'?

The Tech Won't Build It movement started, among other places, at Amazon in 2018 where employees started a movement through an internal petition (using the hashtag #techwontbuildit) for control over how the products they create are used. This was after an ACLU report revealed that Amazon was collaborating with US law enforcement agencies with facial recognition technologies.

Their demands included:

- Ban on use of Amazon's facial recognition software by law enforcement.
- Ban on further collaboration with all partner companies who work with the US Immigration and Customs Enforcement (ICE). This included Palantir.
- Transparency with workers on when all law enforcement use of technologies developed by them.

▼ Protesters denounce Jeff Bezos and Amazon's relationship with ICE at a demonstration in 2018.  
Tom Amato, KTHH





Subsequently, workers at Google followed suit in opposing the continuation of Project Maven, wherein Google's technology was being used for identification of objects by drones. After it was revealed that Google had been working with the Chinese Government to build a censored search engine, Google workers launched another round of dissension within the company. Microsoft workers have also protested their company's continued work with the ICE. In response to a Customs and Border Protection contract, Salesforce employees organised a boycott campaign by other companies of Salesforce's donations.

Most recently, in September 2020, employees at Hootsuite got the company to drop its contract with U.S. ICE after protesting via social media and voicing their opposition internally to the company. That such activism can be powerful and effective is a point that has been clearly proven by the above examples.

The Tech Won't Build It movement in the Silicon Valley has been primarily led by two organisations- Tech Workers Coalition (TWC) and Tech Solidarity. The argument used by these organisations for the effectiveness of the movement is premised upon the fact that software engineers are an extremely valuable resource to the companies at which they work, requiring substantial investment and months of training and acclimatization at a particular company before they are truly productive.

Hence, they hold considerable bargaining power vis-à-vis the management and ownership of the companies, especially in an era where corporate ownership arrangements are such that shareholder can exert little pressure upon the owner-managers of the various tech giants. The presence of the 'Tech Won't Build It' in the heart of the global IT industry in Silicon Valley also makes it a very influential movement in terms of tactics and blueprints for the organisation of tech workers elsewhere.



# LESSONS FOR TECH WORKERS IN INDIA

Activism around technology in India has primarily been the domain of civil society organisations and individuals, primarily taking the form of lawsuits and engagement with Parliamentary committees and other such actions.

There has been, historically, very little in the way of organising engineers and other white collar tech workers (software engineers, developers, others in lower level and mid level ranks in various technology companies) into unions or other organisations for sustained action. Blue collar workers (such as janitorial staff at companies, delivery executives and drivers at gig work platforms and others) on the other hand have organised in city and state wide unions and have even carried out strikes in order to campaign for their rights. This has changed recently, with the AIITEU and other state unions working to organise white collar tech workers and educate them about their rights as well as about the power they can exercise vis-à-vis their employers if they organise themselves.

That the opportunity for such organising exists and that such power lies with white collar workers is beyond doubt. Indian tech giants have been at the forefront of the creation of exclusionary and violative surveillance technology. Wipro, for example, was appointed as the official systems integrator for the Assam NRC, the largest exercises in technology enabled disenfranchisement in the history of modern India. In this instance, the work involved required highly trained personnel creating family tree algorithms to ascertain citizenship through mass-digitized records. It would have simply not been possible if such workers had been organized to push back on creating technologies to carry out the ruling power's vendetta against its citizens.

► Students from Indian Institute of Technology, Bombay at an anti-CAA/ NRC protest held in December 2019.



## **AS TECH WON'T BUILD IT SHOWS, THIS IS A VERY IMPORTANT TIME FOR BUILDING WORKER SOLIDARITY AS WHITE COLLAR TECH JOBS EITHER START LOSING THEIR PERKS OR START TO INCREASINGLY SLIDE DOWN THE COMPANY LADDER AS COMPANIES PREFER TO RELY ON CASUAL OR CONTRACTUAL TECH LABOUR INSTEAD OF MORE EXPENSIVE EMPLOYEES.**

While tech work would include both white-collar and blue-collar workers, software engineers and coders and other white-collar tech workers often do not consider themselves to be part of the labour force or workers at par with blue collar workers.

This is further exacerbated by the companies often taking considerable pains to treat blue collar and white-collar workers in very different ways, including outsourcing blue-collar work to third parties such that the blue-collar workers at a company are rarely employees of the same company.

This is well documented in Silicon Valley culture and has been replicated in India too. Also, Indian tech jobs are not primary software development functions but instead outsourced support jobs and the manner in which such employees are treated may vary considerably across companies, regardless of the white-collar nature of the work. At the same time, India presents some unique challenges in that there

is a strong precedent of engineers going on to become managers and executive. There are often alumni or other informal networks that serve to keep the engineers and white-collar tech workers firmly on the side of managers and the companies versus seeing themselves as workers who perform labour for remuneration. This dichotomy is despite the fact that it is India's relatively strong labour laws, however narrowly tailored, that serve to protect the perks of the white-collar workers here.

The first step is breaking the identification with the management and understanding their vulnerable position and the need for solidarity with blue-collar tech workers.

As Tech Won't Build It shows, this is a very important time for building worker solidarity as white collar tech jobs either start losing their perks or start to increasingly slide down the company ladder as companies prefer to rely on casual or contractual tech labour instead of more expensive employees.

A similar phenomenon has been sweeping India as the economic slowdown in the wake of Covid-19 has seen large scale layoffs and job cuts across the board. Accenture, for example, cut almost 70,000 employees in India earlier this year.

As the new economic reality clearly demonstrates to white collar workers the precarity of their position, it should be the organisers who point out the parallels with the struggles of blue collar workers in tech companies and elsewhere and the dividends that organising has paid for them. The future lies in building solidarity for all tech workers, regardless of the colour of their collar.

The second step is to identify clear issues that one can mobilise workers for and around. With Amazon this was working on software used by ICE. The same with Palantir. With Google it was drone related military technology and with Microsoft, it was, once again, working with ICE on the highly emotive issue of separation of migrant children from their families in detention camps.

What did help the rise of the TWC and the Tech Won't Build It movement in the Silicon Valley was an overall ethos which valued human rights, even though Silicon Valley like any other place in the USA or across the world, has a growing presence of alt-right and other white supremacist or far-right ideologies.

In India, such an ethos might not exist at all places and further, a strong pro-right wing bias may also exist. Hence it will be important to identify issues that affect or are likely to affect all such white collar workers and start organising around that point. TWC and others have leveraged the Tech Won't Build It movement to start a larger movement to democratise the management of tech companies.

Beyond that, it is crucial that tech workers are educated about the impact of their work - and their responsibility and role in preventing it. As India becomes one of the most surveilled societies on the planet, much of the technology underlying this surveillance is created or enabled by various products made in India.





**FINALLY, IT SHOULD BE EMPHASIZED THAT THE GOAL OF ANY SUCH CAMPAIGN TO ORGANISE INDIAN TECH WORKERS CANNOT BE LIMITED TO ONLY GAINING THE MINIMAL RIGHTS AND PROTECTIONS FOR ALL THE WORKERS INVOLVED. THE GOAL MUST BE LARGER- A REFORM OF THE TECH SECTOR IN INDIA TO ACCOMMODATE THE VISION OF THE WORKERS AS WELL AS THAT OF THE MANAGEMENT.**

The engineers creating and working on such technologies have to be educated about the impact of their work and the manner in which their work is directly contributing to the disenfranchisement of their fellow citizens and of themselves. As was shown in the above examples from the US, this was a crucial part of mobilising workers around those single issues.

Additionally, it is also crucial to understand the structure of the tech companies and of who is a worker and who isn't. The internal hierarchy or ranks of tech companies are often quite different from that of factories for which labour laws were first written and on the basis of which much organisation literature is based. A person who is designated a manager in a tech company may be little more than a team leader and a worker for all practical purposes. This is something that organisers from TWC and the Tech Won't Build It movement have often emphasized, and it is something that we would do well to keep in mind when organising tech workers here in India.

Finally, it should be emphasized that the goal of any such campaign to organise Indian tech workers cannot be limited to only gaining the minimal rights and protections for all the workers involved. The goal must be larger- a reform of the tech sector in India to accommodate the vision of the workers as well as that of the management. We have to shift the direction and priorities of the industry in order to fully accommodate its workers and stakeholders rather than just management and shareholders.

**WANT TO BUILD A BETTER FUTURE FOR THE TECH SECTOR?**

**THE UNION GIVES YOU A VOICE!**



**AIITEU IS RUN DEMOCRATICALLY BY WORKERS, FOR WORKERS.  
WE BELIEVE THAT WORK IN THE TECHNOLOGY SECTOR CAN BE  
ENJOYABLE, MEANINGFUL, SOCIALLY USEFUL AND PERSONALLY  
FULFILLING.**

**JOIN THE UNION!**



**All India IT and ITes Employees' Union**

# THE PRECARITY

# OF BPO WORK

I am based in Kolkata and recently started work at Reliance SMSL. When the lockdown started, I was working for Teleperformance in Kolkata. We were forced to work in the office and faced every possible threat. All of us, around 600 employees, reasoned with the company that we couldn't make it to work with no means of transport to get us there. This was in March 2020. After that, we were permitted to Work from Home.

# CHRONICLES

# WHITE COLLAR



When we started working from home, we were told to use our personal mobile phones for our daily work. Most of us have faced major issues with our devices as they were used for never ending incoming calls. When we raised this issue with the company we were told *"If you work at Swiggy or Zomato, you have to purchase your own phone and bike or scooty. These delivery guys are solely responsible for the maintenance of their bikes. That's the same situation here, otherwise you may put in your resignation"*.

We really couldn't say much, most of us needed the work. Another issue we faced during the lockdown period was when there was a power cut (or low battery with our mobile phones). We were pressurized to fulfill our 'Log In Hours' without any valid reason. Even during Amphan, a natural calamity that pushed all of West Bengal under a deep power crisis, the company deducted our salaries for those days without providing any reason. This was the same situation in other companies like Fusion, Aegis, and others.

### **GROWING INSECURITY**

In between April and May, we received termination notices from my older company. The reason we were provided was that according to their change in business model we were considered expendable. At that time the union supported us a lot by fighting with the company in the Labor Court (with the help of Labor Commissioner in West Bengal)

and stopped the layoffs process. In my new organization, the working hours are being increased and days of working will be 6 days a week. A work shift consists of 9 hours (with a 1-hour break). The new employer has reduced the CTC at a rate of almost Rs. 5000 per employee and there will be no incentives for the employees, as per the internal organizational rules! In my experience, BPO/ Call Center employees have always been neglected by management. Even after serving the organization for 10-15 years, no one can say that his/her job is secure. Keeping in mind these changing conditions, we have demands on behalf of all our colleagues:

- Job and income security for each employee. No ad-hoc salary cuts for any reason.
- Equal responsibility-sharing by the company, when it comes to WFH infrastructure (devices, internet, rent etc)
- There must be uniform rules for all the employees related to work, performance, working hours, leave management, training, etc.

As Work from Home becomes a norm, BPO employees have been left dealing with systemic and operational inefficiencies by ourselves. The effect of this additional management, ad-hoc shift changes and unfair pay is taking a toll on our health and mental well-being. BPO employees are the backbone of the service economy, it is time to take a stand for ourselves.



**BY SATYAVRAT KK,  
ALL INDIA COMPUTER GRAPHICS ARTIST AND  
CO-WORKMEN'S ASSOCIATION (AICGAA)**

# **LIGHTS, SOUND, ENDLESS CLICKS!**

**The Indian Computer Graphics And  
Visual Arts Industry And Its Path  
Through The Pandemic**



**India's VFX industry for film and television is one of the most vital ones in the global order, catering to both international and domestic markets. COVID-19 has vitiated existing problems for workers in the industry, leading to retrenchments, salary cuts and longer working hours with no overtime or job security.**

*"If anyone wants to join this line of work, the first thing I would say is that they need to be prepared for a 10-13 hour workday on average."* says Swapnil, a VFX artist with over 15 years of experience and a member of [AICGAA](#), a union of workers in the computer graphics and visual arts industry.

### **GROWTH OF THE VFX INDUSTRY**

To understand the work culture that has emerged around VFX and animation, we need to take into account the growth and reliance of the cinema industry on a global fleet of artists. If we look at the top 50 grossing films of all time, 49 rely on visual effects as an integral part of their narrative. The past two decades has seen an increasing reliance on VFX and as of this year, visual effects account for anywhere between 1/5th to half a production's budget. There is a lot of money pumped into VFX budgets, as the following passage by the leading Hollywood director Bryan Singer illustrates:

*"Whether it's a sentinel robot from 'X-Men: Days of Future Past' or it's Wolverine's claws coming out of his hands. Something simple, we just attach a figure to it.*

*"That's a \$10,000 shot.."*

*"That's a \$15,000 shot.."*

*"Oh that, one – well that's got five Sentinels and transforming in it. That's an \$80,000 shot..."*

*"Oh that's got a whole city exploding. Well, that's a \$140,000 shot.."*

*And these effects literally just get labeled and placed into a budget and then that budget is summed up into a total and that total becomes the bid."*

### **DREAMS MADE OF SLEEPLESS NIGHTS**

Where does the money go? Certainly not to the artists around the world who spend hours and hours creating these frames and dreams. This is where a country like India comes into the picture, with work from abroad being outsourced to Indian VFX companies



who charge a fraction of the rate demanded in the West and also possess a seemingly never ending supply of talent. Indian VFX studios also manage the domestic demand of some of the biggest film industries in the world, whether we speak of Bollywood, Tollywood or Kollywood.

*"There's a difference between Hollywood films and Bollywood. With Hollywood, we have detailed schedules and deadlines. But Bollywood can be more erratic, this leads to odd and long hours of work at the studio" says Swapnil, he continues, "If you're working as a colourist for example, you might get a call at 1 AM asking you to show up and wrap up a project by evening. If you work on post production for television and serials in particular, you're looking at very tight deadlines. You get the footage in the afternoon or evening with directions and it needs to be ready by midnight for the next day."*

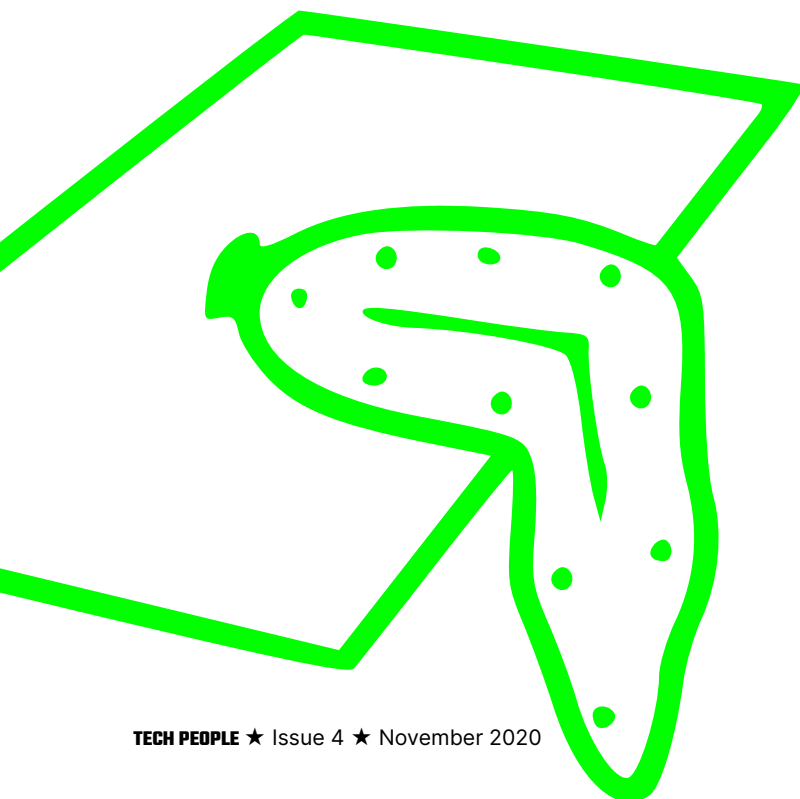
## CONTRAST WITH NEWER INDUSTRIES

Shariq Rafeek, a Game Designer from Bangalore tells me about the stark difference in work culture in his industry, *"This is the first generation of people who could even have access to videogames in India so it's still a very new industry. The first games that were really popular in the Indian context were card games like Teen Patti and Rummy."*

Cinema and Television have a longer and more established history and culture in the country, with robust regional industries and some of the most skilled technicians and artists in the world. *"Many people I've worked with in the games industry moved from film to games,"* Shariq added. Even newer industry models of outsourcing VFX work to the global south have had a longer maturation period than the gaming industry.

*"When I joined the industry in the late 00s, a place like Prime Focus just had a small team of less than 100 people."* says Swapnil. Prime Focus now employs over 9000 artists worldwide.

*"To this day, you can go to Prime Focus with even a YouTube video and get them to work on it. Their model is a dynamic, they don't say no to anything. If you want to pay less, you get an end product that is worth the money you spent. But if you go to them with a big budget, they'll provide you something worth that amount too."*



According to Swapnil, Prime Focus' success has led to a mushrooming of local studios with a similar model, one that exacerbates poor working conditions already present in the industry. "They take on any project and artists are expected to meet impossible deadlines."

Meanwhile, the gaming industry is still finding its feet in India, "Globally of course, artists are exploited because gaming doesn't fall under the conventional categories of work. The average game designer or programmer might need to learn more skills than an average UI/UX app designer, but the latter earns more."

## COVID AND THE CHANGING NATURE OF THE INDUSTRY

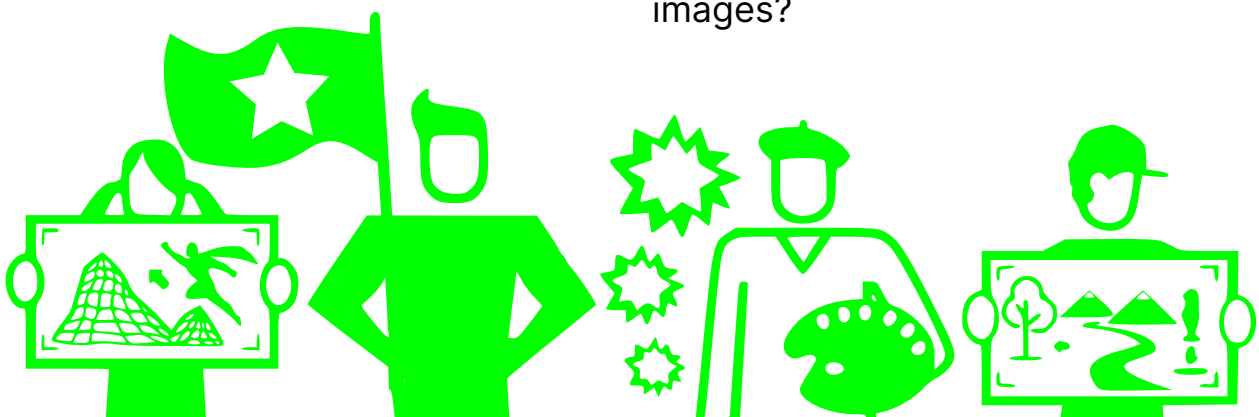
During the pandemic, these existing working conditions were vitiated by a series of harsh measures by various studios, both big and small, citing spurious reasons for their decisions. "We are seeing layoffs across the industry, in all kinds of studios. Those who retain their jobs have to face upto 50% salary cuts. And those who have managed to escape all this having longer working hours." said Swapnil. The industry is also faced with the current standstill in cinema-going worldwide.

"Production houses are in a limbo, you can't release a film in theater now and guarantee profits. Releasing the film on an Over The Top (OTT) platform like Netflix is not an option because that doesn't make as much as a theatre release. So now they undertake some small productions in the meantime slated for an OTT release and this adds to the workload for artists like us."

The emergence of a union for artists in this Industry is welcome in times like this, but of course their emergence did not go unchallenged. "Studio heads would single out people to threaten and intimidate when we started the union, but we have struggled through that phase."

**Right now, their demands are very simple - overtime pay, a stable work schedule that offers time for leisure, curbing retrenchments and reinstatement of salaries.**

As Swapnil opines, cinema in India is not going anywhere and theatres will eventually limp back to normalcy. The nation's craze for cinema is also not on the wane. Given these facts, isn't it time to listen to the people who work tirelessly, often completely out of sight, to provide us these moving images?





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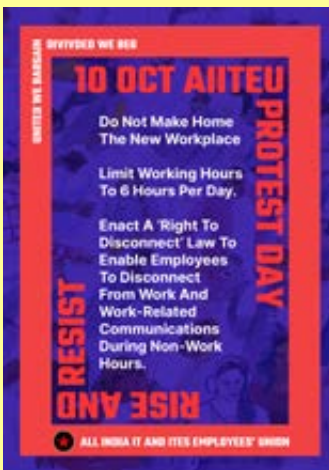


## UNION ACTIONS

# 10 OCTOBER '20 PROTEST DAY

While the recent labor code changes poses to degrade hard won worker rights in general, NASSCOM has released a set of recommendations to the central government regarding the work from home environment on March 21st 2020 which will usher in an era of slave like conditions for IT & ITeS workers. To register our condemnation, various State and All India Unions representing IT & ITeS employees conducted a Protest Day on 10 October 2020, through different online platforms. Our demands included :

- Involve Central Trade Unions/ registered IT & ITES employees unions in the process of formulating legal framework for Work From Home.
- Implement state wise fast-track special labour cell to act on the disputes raised by IT/ ITeS employees and resolve it immediately.
- Reduce work hours to 6 hours per day or 30 hours per week.
- Enact 'Right to Disconnect' law to enable employees to disconnect from work and work-related electronic communications such as e-mails or messages during non-work hours.
- Address mental and physical health and financial difficulties raised by work from home.



▲ Images from different online campaigns on 10 October Protest Day conducted by [KITU](#), Karnataka; [AIITEU](#) and [UNITE](#),Chennai.

**BY PRIYANKA CHATTERJEE,  
AIITEU MEMBER, WEST BENGAL**

# **WORK FROM HOME CANNOT FOLLOW THE SAME NORMS AS OFFICE WORK**

**I recently joined a call center alongside finishing my graduation studies. Observing the constant creep of work time over my personal life makes it certain that we cant just copy paste erstwhile office norms and policies to these new conditions of work.**

I am currently pursuing my graduation and due to the pandemic I had to get a job. I joined a BPO (call center) and felt quite lucky that I cracked the interview and got the appointment, at a time when people were losing their jobs. For my initial training I had to go to the office after which I started to Work From Home.

I have a 9 hour work shift, and on an average, it gets stretched by another hour or more. Working from home entails dealing with technical challenges all by yourself. Many times I am in a challenging situation where I must resolve a customer's problem, but the system doesn't let me choose an appropriate option or doesn't work properly. And work becomes even more hectic because there are connectivity issues - the VPN disconnects often or the system might be on downtime.

Your work day keeps stretching and it is an unstated rule that working from home means putting in more hours with the same salary. At office I'd leave when my 9 hours were done, I can't do that at home.

Call centers, like the one I am working at, are essential services because we are the representative of the company for a customer. We are the unseen faces and voices of their brand. We capture customer feedback, fault points and areas of improvement. But nobody does this for us. We are dependent on managers and if they are biased, which is usually the case, it's tough to find your way around.

Unlike the system, our downtime, i.e. getting leaves is a big issue at work. As a female employee I might need an off on specific days but for that I have to provide many explanations and have to get approvals from HR which is a laborious process. Mind you these are allotted leaves, but apparently even those aren't really mine unless I provide many justifications.

I do not have a personal life. I am pursuing a graduation, which is a regular course. Working 10 or more hours a day leaves me with no energy or brainspace to study. This would all be bearable if we were fairly compensated, but the pay we receive is horrible. The salary we get is not at all commensurate with the work we put in. The frequent enhancements to the technology platforms or processes we use requires extra work - we attend meetings at odd hours and put in more time to cope with the changes - all without extra pay.

I never thought I would be taking on a job before graduation. My personal situation demanded I join a workplace like this, so I could support my family alongwith my studies. But life is not so easy here, for me or my other co-workers. We cannot simply replicate older office norms and policies to working from home.

**Just as we have unions in colleges to resolve students' problems and speak on their behalf, we as workers must be associated with a union so we can raise our voices and demand better conditions. This is why I joined AITTEU.**



# ASK THE UNION

Q1 My company cited performance issues and asked me to serve a 'layoff' phase at half salary before 'termination'. I want to understand what are the legal terms for doing this and what I can do as an employee?

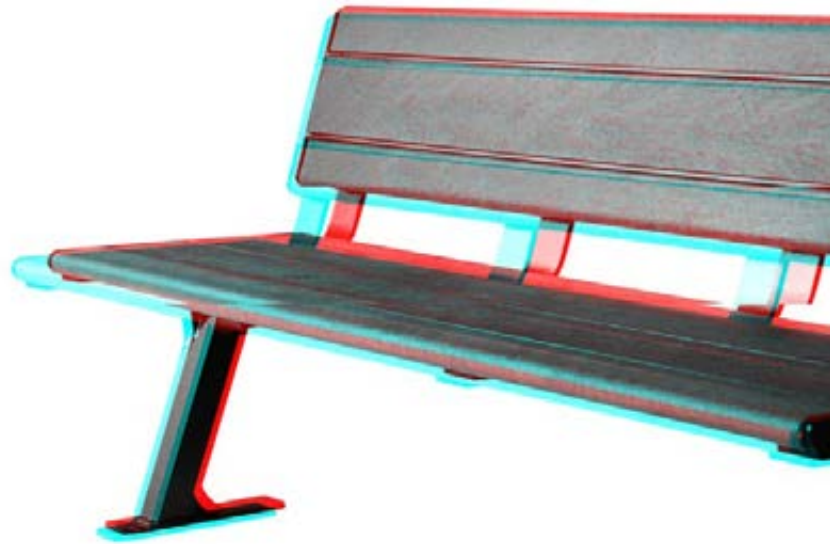
A First off, as per the legally defined cases of layoffs, a performance allegation can never be the grounds to laying people off. To understand the terms layoffs, retrenchments and closure of the organisation we need to look at the existing Industrial Disputes Act and the newly proposed Industrial Relations Code.

**Essentially a layoff can be defined as a condition where there is a 'temporary incapability' of continuing business.** This could be due to financial restraints or unavailability of resources which can occur because of market disturbances or even natural calamities. The organisation, in that scenario, needs to seek prior approval from the labour department showing lack of resources to continue a certain business operation or service for the employee who is still on the muster-roll and has not been retrenched.

This permission is mandatory for organisations with an employee strength of over 100 people. The organisation also needs to give one month of prior notice to the employee before executing a layoff.

After seeking said permission, the company can 'layoff' employees and only after a minimum of 45 days of layoff period can the organisation decide to 'terminate' the employment if conditions don't improve. Also, a copy of the permission from the labour department for the said layoff has to be provided to the employee in such a scenario and the employee has legal rights to ask for the same. The employer is also liable to pay 50% of basic wages plus dearness allowances to the employee in the layoff phase.

**THE IT SECTOR INDULGES IN WORDPLAY LIKE 'BENCHING' AN EMPLOYEE AND/OR SENDING THEM ON SABBATICALS TO AVOID THE LEGAL RAMIFICATIONS FOR UNAWARE EMPLOYEES BUT THE TECHNICAL TERM IS LAYOFF.**



The only clause to the layoff provision is that the employee must have completed 1 year of employment which would have a minimum 240 days of service including the days of rest (weekends).

**Coming to the matter of performance allegations, what an organisation can do citing performance reasons is terminate an employee but that would once again entitle the employee to avail termination benefits.** The conditions for the termination once again require that the worker having 1 year of continuous employment can be retrenched only by approval by the Labour Department. There has to be an enquiry as per the Industrial Disputes Act where both sides will be heard on the performance issue. If there's no reply from the appropriate government for a period of sixty days from the date of application, the permission shall be deemed to have been granted.

Further, it is to be noted that the said decision could be reviewed by the said appropriate government suo-moto or on application from any of the sides. The retrenchment or termination also requires a 1 month notice or compensation of a one month notice period plus a retrenchment compensation of 15 days multiplied by the number of years of employment. So, for an employee with 5 years of service, the retrenchment compensation will be 15 times 5, i.e. 75 days.

So in short, layoffs and terminations are two entirely different things, and in either scenario the employee is entitled to certain rights. This is a crucial point, because most people are not aware of these rights in either event. If anyone you know is ever in a situation like this, ask them to contact the union for legal help!

**Q② I work in the IT division of a renowned courier company and joined 5 years back by confirming the working days from Monday to Friday. Now, a verbal order has been given by the manager (not HR) to work on Saturdays, that too without any extra pay. Is it possible under labor laws to change/extend the working hours or days?**

**A** This is a question which firstly concerns the definition of a normal working day and week.

**THE NORMAL WORKING DAY OF 8 HOURS DEFINED BY THE GOVERNMENT HAS BEEN EASED SLIGHTLY AND CAN NOW BE DEFINED BY STATE GOVERNMENTS. BUT THE NORMAL WORKING WEEK, WHICH HAS BEEN DEFINED, IS A 6 DAY WORKING WEEK.**

So, the company is allowed legally to impose the one extra day on you but what we need to keep in mind is that this is primarily changing the terms and conditions of service. **Prior to this, you were working under different terms of service outlined in your appointment letter and those conditions are being arbitrarily changed. So, this becomes a case of Industrial Dispute and you have every right to refuse to accept the new terms of service.**



These new terms are in violation of the employment contract and the organisation cannot take any action against you for refusing them. If they do take action, you can always take this up to the labour court and there is a very good chance that you will get a favorable decision. This scenario throws light on the importance of being in the union in this case for two different scenarios :

First scenario is the appointment contract; organisations can have manipulative terms in the contract like defining a regular 5 day week with a sub-clause saying that it can be changed depending on the scenario. These are little tricks which a lot of employees might miss out on. If the sub-clause has been signed by the employee, the dispute will likely be ruled against the employee but with the union, the employees can attain help in a thorough reading of the appointment contract and ask for clarifications on dubious sub-clauses before signing so that the cases of changing the employment terms and disputes regarding the same are well defined.

Secondly, for filing the dispute cases in labour court, having the union on your side helps in attaining the necessary steps forward if the company is taking unjust action, where you were well within the rights to refuse an extra day of work as per the original contract.

**Q③ Do the labour laws change according to the number of employees? What about small startups?**

Ⓐ The government in its aim to promote smaller startups have relaxed the laws for the organisations to some extent. The permission from labour departments in the case of layoffs and retrenchments are not required for organisations hiring less than 100 employees. However, the terms of layoffs and terminations still hold.

**EVEN FOR STARTUPS, A TERMINATION WOULD STILL NEED A ONE MONTH NOTICE PERIOD OR ITS COMPENSATION TO BE PAID, AND THE RETRENCHMENT BENEFITS FOR 15 DAYS MULTIPLIED BY THE NUMBER OF YEARS SERVED.**

Failure of compliance to any of the conditions would make the retrenchment illegal and can be challenged in court. Other industrial

disputes like change in terms of service based on appointment contract can also be challenged in these cases. The permission seeking an enquiry over performance issues from the labour department is not required for organisations hiring less than 100 employees.

However, as per the new Industrial Relations Code, 2020 recently passed in the parliament, the limit for the same is being increased from 100 to 300 employees and thus the labour laws are being relaxed for many other organisations giving them more power over retrenchments and layoffs. **This once again, increases the importance of unions to form a united resistance against the changes in the law.**

**\*DISCLAIMER**

This section covers our legal team's understanding of general issues. For legal advice pertaining to your particular case, please contact a lawyer independently or write to us at [aiiteu.gs@gmail.com](mailto:aiiteu.gs@gmail.com)





BY PRITISH MENON, SECRETARY

STUDENTS' FEDERATION OF INDIA (SFI - DELHI)

# NEP 2020

# FAULTLINES

# + FUTURE ACTIONS

The National Education Policy 2020 has been hailed by many as a visionary document to push India's education sector into a new era. It will push us into a new era indeed and there is also no doubt it will exacerbate the fragile state of education in the country today. Here is why students have been opposing it, and how we plan to intensify our dissent.



**IN EFFECT, THE IDEA OF NEP IS TO PRODUCE A WHOLE ARMY OF BARELY-EDUCATED PEOPLE, WHO WOULD ONLY BE GIVEN THE ILLUSION OF BEING “EDUCATED”.**



## THE NEP TRAP

The NEP 2020 reiterates statements such as ‘education is a public good’, and that ‘6% of the GDP should be earmarked for education’. Therefore, many observers argue that as a whole, the document should be welcomed. No analysis can be more superficial. The above position primarily has two problems.

First, the conflation of correlation and causation is hogwash. Yes, the education sector of the country is in decay, and desperately needs change. However, change itself can be of many kinds, and not all change is positive.

To give an example from our daily lives, if one’s computer is plagued by malware, you try to change the situation by removing it. You do not throw the laptop away, replace it with a washing machine, and then proudly claim the malware no longer exists. The NEP does the latter.

This approach can be seen in the policy adopted in the NEP 2020 with regards to the problem of student drop-outs. It fixes this problem by providing “flexibility”. What this essentially means is that it legitimises dropping out by promising a piece of paper (called a diploma) as a sort of consolation. As [Prof. Prabhat Patnaik](#) argues ‘these pieces of paper will not enable their holders to lay claims to any worthwhile jobs; and one or two years in college which is all they would have spent, will not provide them any worthwhile education, not even any worthwhile experience of “college life”.

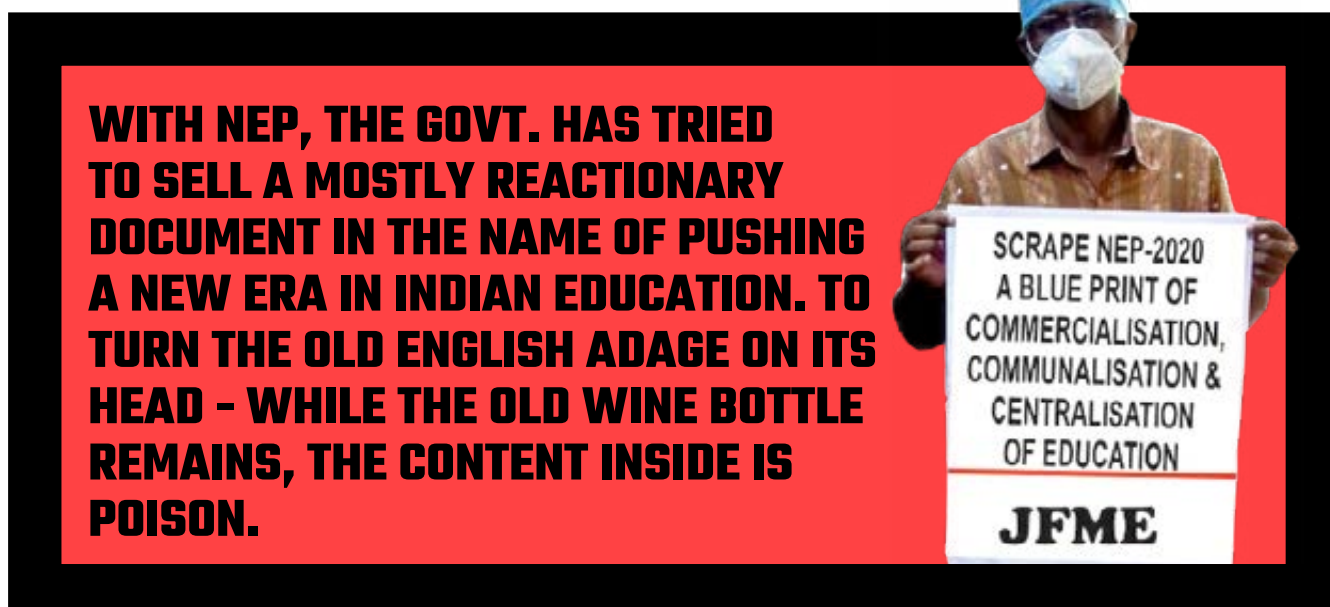
In effect, the idea of NEP is to produce a whole army of barely-educated people, who would only be given the illusion of being “educated”. The NEP 2020 identifies some of the problems, but the solutions it provides does not address the fundamental problem of making quality education accessible to the vast majority of people.

Second, the citizens must differentiate between a 'jumla' and real policy change. Statements such as '6% of GDP should be earmarked for education', which gives an impression of more investment and thus more accessibility of education to the vast majority of the population, can be misleading in the sense that its ambiguous which player – government or private – is providing for it.

The previous policy encouraged the government to take the lead, while, NEP 2020 foresees the private sector as a significant player. Will the promotion of profit-making enterprise in an essential services sector achieve the desired goal? The example of privatisation of education in the US tells us otherwise, where, most of the Gen Y is crushed under student loans, leading to a marked increase in anxiety, depression, and alienation.

Similarly, 'education is a public good' means nothing if it isn't backed by concrete policy. The content of NEP 2020 precisely does not do this. A larger part of the policy pushes education to be a commodity to be sold to the highest bidder.

Therefore, as informed citizens, we must be cautious to understand that the packaging or advertising of a product can be illusory. Often marketers try to sell their products by downplaying its weaknesses and limits. The Government of India has tried to do precisely that. With NEP, it has tried to sell a mostly reactionary document in the name of pushing a new era in Indian education. To turn the old English adage on its head - while the old wine bottle remains, the content inside is poison.



# VARIED REACTIONS OF STUDENT GROUPS

The response from the student community and organisations to the NEP 2020 has been of three kinds. In this section, we try to explain in brief the responses and the concrete reasons behind them.

## ① SHAMELESS COMPROMISE

The first kind of response is of shameless compromise. The torchbearer of such a position is the RSS affiliated ABVP and some sections of the Congress-backed NSUI. The simple reason behind this is that both these student organisations are bootlickers of the two national parties controlled by the foreign and domestic capitalists (who are also the real winners if the NEP 2020 is implemented).

The section of NSUI which even opposes the NEP is the reflection of the situation of the Congress Party. While INC leaders like Tharoor extended tacit support, others claim to oppose the way it was passed. However, there is no principled opposition by the INC to the policy, as the party itself pushed many of its parts before 2014. A key example of the same was the imposition of the Four Year UG Program (FYUP) by Kapil Sibal in UPA – 2 in Delhi University. It was, ironically enough, rolled back by Smriti Irani in 2014 after massive protests by students and

teachers. The FYUP tried to address the issue of drop-outs precisely the way the NEP 2020 seeks to.

## ② DEFEATISM

The second kind of approach seen in the student community is of defeatism. Here we see many students who are concerned with the reactionary elements of the policy but see no way out. They are dejected, merely accepting whatever the invincible government is imposing on them. Such students, a large section of which come to the aspiring middle classes, are socialised into a culture of personal competition and the demonising of collective bargaining. The objective conditions which have so arisen, especially after the neoliberal turn of the Indian state, constitute their totality.

These conditions are of extreme discipline and control of university and institute management over the academic and personal lives of the students, the breaking up of student unions, and promotion of cut-throat competition between the students in the classroom which always pits one student against the other. These objective conditions have resulted in the depoliticisation of a large section of the student community, which in turn, are forced to find solace in skewed manifestations of a very personalised form of power, such as bullying, drugs etc.





### ③ PRINCIPLED OPPOSITION

The third section of students is one which has provided principled opposition to the NEP. They had engaged in massive protest demonstrations, even before the NEP 2020 was passed. The first of such protests happened in November 2019, where thousands of students marched on the streets of Delhi against the then draft-NEP. It is worthwhile to note that most of these students were from central and state public universities.

This is because there remains a potent political culture and the students have given the mandate to socialist student organisations. The teaching fraternity in these places had the confidence to go with the students in support of the agitations against NEP more openly, which in turn increases the ability to mobilise students in large numbers.

Various national level platforms have been floated to fight this onslaught. Some key examples are the Forum to Save Public Education (floated by the JNUSU, HCUSU, and PUSU Presidents, giving it an All India character), and Young India (has limited national presence, but none-the-less strong presence in pockets of North India).

National student and teachers joint committees, such as the JFME are also utilized to coordinate protest actions throughout the country. The necessity of united action, especially in terms of events, is significant to show more considerable strength of the student community. However, the united front tactic has its limits as well. Coordination becomes extraordinarily complex, and the success of any protest action cannot be guaranteed till the last moment, as mobilisation done by individual

members of such platforms can be often half-hearted due to many reasons. Student organisations with an all-India presence, such as the SFI and the AISF, can, to some extent, get past this issue through their individual organising strengths. However, the brutal attack on the unionisation of students by successive governments hampers their ability as compared to before.



Moreover, constant compromise with capitalist ethics has resulted in the loss of urgency within the ranks of the AISF. Local leadership fails to understand the seriousness of NEP, since nationally, the organisation itself has compromised with the other evils of capitalist logic, and thus in many places, the organisation remains in a state of limbo.

The tendencies of compromise, and the surrendering to capitalist logic, is not a problem of AISF alone, but seen in other organisations like SFI, AISA, PSU, AIFB etc. However, amongst these, SFI remains the largest student organisation which has managed to date to keep such tendencies under check. This is precisely the reason why SFI is leading the movement against NEP, and all other manifestations of neoliberal agenda in education which robs students of access to quality education, as seen most recently in the [#JusticeForAishwarya](#) movement in the national context.

To sum up, the current strategy to increase – both in numbers and intensity – the movement against NEP 2020 and to provide further strength to the assertive socialist student movement in the country is as follows –

- The forging of the broad-based inter-organisational unity to strengthen current political agitation against the NEP 2020, but at the same time keeping in mind the limits of such a unity.
- To increase the individual capacity of national assertive progressive organisations such as SFI to make, over time, the organic unity of action by students across the country a real phenomenon.

I hope our friends in the IT sector find this article informative, both in terms of why NEP 2020 is not the change that will resolve the current fundamental issues in the education sector, as well as, how the student community has strategized and continues to build its resistance to it.

### ① AIRTEL CLARIFIES IT IS NOT TRACKING YOUR SEXUAL ORIENTATION AND POLITICAL VIEWS

Airtel's privacy policy has riled up users after they found that it says Airtel can collect users' sensitive personal information, such as sexual orientation, genetic information, and political opinion, and share all of this with third parties. Users are raging on Twitter about how intrusive this is. But as shocking as it may sound to some, it's far from a new discovery.

### ② GOVERNMENT REGULARLY SEEKING CALL DATA RECORDS OF ALL MOBILE SUBSCRIBERS IN INDIA

The government is found to have asked telecom operators in India to provide "voluminous" call data records (CDRs) of all mobile subscribers across several regions for specific days. Although telcos have been receiving similar requests from the authorities for some time, the trend has been increased during January and February, as noted by the Cellular Operators Association of India (COAI).

### ③ GOVT OF INDIA IGNORES ITS OWN VITAL SAFEGUARDS ON AAROGYA SETU

Responses to RTI queries reveal that Gol has failed to implement measures to safeguard and secure data of millions of Indians collected by the controversial COVID-19 tracing app, Aarogya Setu, revealing there is no list of data recipients, no audit and no anonymisation of data taking place.

### ④ CHINA UNVEILS FIRST LAW ON PERSONAL DATA PROTECTION

Home to the world's most online users, China on Tuesday unveiled its highly anticipated draft law on personal data protection, a significant step to address the long-held problems of leaks and hacks. India's draft law on personal data protection remains to be passed, even after years of consultation.

### ⑤ DUNZO TO RAISE \$28 MILLION FROM GOOGLE, LIGHTSTONE AND OTHERS

Hyperlocal delivery startup Dunzo has raised around \$28 million, as part of its Series E round led by Google International LLC and Lightstone Fund S.A.



## ⑥ **MULTIPLE IDS WILL BE USED TO GIVE COVID VACCINE, CLARIFIES GOVERNMENT**

After being asked whether the NDHM digital ID would be mandatory to receive the vaccine, Union Health Secretary Rajesh Bhushan said at the weekly briefing on Covid-19 that in order to ensure no one was deprived of vaccination, multiple IDs would be used during the inoculation drive.

## ⑦ **AMAZON REFUSES TO APPEAR BEFORE PARLIAMENT COMMITTEE TO DISCUSS DATA PROTECTION BILL**

Amazon was summoned by the committee to discuss the Personal Data Protection Bill, 2019, on October 28. The committee is headed by Bharatiya Janata Party leader Meenakshi Lekhi. Amazon however said its “subject matter experts are overseas”, and cited travel risks to India as a reason not to appear before the committee.

## ⑧ **UBER INTRODUCES RIDER MASK VERIFICATION SELFIE FEATURE IN INDIA**

Uber has built a technology to verify that drivers on the platform are wearing a mask while on-trip, by clicking a selfie. Since Uber began mask verification selfies for drivers in May 2020, more than 17.44 million verifications have been done throughout India.

## ⑨ **13-YEAR-OLD MISSING CHILD FROM UP RESCUED THROUGH TELANGANA POLICE'S FACE RECOGNITION APP, VIDEO GOES VIRAL:**

A 13 year old child reported missing from Uttar Pradesh for the past five years was traced in Assam, by the Telangana Police, with the help of DARPAN, their Facial Recognition Tool.

## ①⑩ **WITHOUT LAW, GOVT CANNOT DENY SERVICES FOR NOT INSTALLING AAROGYA SETU: KARNATAKA HIGH COURT**

In the absence of a law, central and state government agencies cannot deny any benefit to citizens if they don't install Aarogya Setu, Karnataka High Court ordered on Monday. This is the first time that the Court passed such an order even though its has acknowledged the issue in different ways in the past. The government has been directed to specify the purpose for which the app is collecting data and under the authority of which law.

# CONTACT



[aiiteu.gs@gmail.com](mailto:aiiteu.gs@gmail.com)



+91 7003106941

# CONNECT



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