

TRADE UNION SOLIDARITY COMMITTEE

6, NEELKANT APARTMENTS

DADAR, BOMBAY-400014

FACTORY OWNERS FIRING ON NAGPUR

WORKERS ON OCTOBER 5, 1991

- KILLING THREE.

REPORT OF THE FACT FINDING

ENQUIRY COMMITTEE IN TO :

- a) **SECOND INCIDENT OF FIRING AND KILLING
OF THE MIGRANT WORKERS OF NAGPUR
ALLOYS CASTING LIMITED,**
- b) **POLICE ATROCITIES AND REPRESSION
ON WORKERS.**

MEMBERS OF THE COMMITTEE

B.V. BAPAT, YOGESH AMIN,

K.R. NANDAKUMAR, HARISH PUJARI,

MAYANK BHATT.

OCTOBER 1991

TRADE UNION SOLIDARITY COMMITTEE

6, NEELKANT APARTMENTS, GOKULDAS PASTA ROAD, DADAR (E), BOMBAY-400 014. PHONE : 411 07 50

Co-operating organisations : Akhil Maharashtra Kamgar Union, Blue Star Workers Union, Hindustan Lever Employees Union, Hindustan Lever Employees (Fine Chemicals) Unit, Bombay Union of Journalists, Indian Federation of Trade Unions (IFTU), Kamgar Ekta Chalwal, Nagdevi Kamgar Sabha, Otis Employees Union, Philips Workers Union, Sarva Shramik Sangh, Tata Consulting Employees Union, Mimco Employees Union, Siemens Workers Union.

Solidarity in action

- * October 12, 1989 'DHARNA' by 300 trade union activists at Churchgate in support of Pune's TELCO workers' struggle.
 - * Extending support to Indian Post Staff Association : for protection of jobs and resumption of paper publication.
- * March 6, 1991 : Public Meeting at Vanamali Hall, Dadar, to oppose U.S. war in Persian Gulf. Speakers : Radha D'Souza, Vivek Monteiro.
 - * April 1991 : 32 unions writing letters to the Chief Minister of Maharashtra and the Chief Justice Bombay High Court asking for appointment of judges in Industrial/Labour Courts for speedy disposal of over 20,000 pending cases and demanding implementation of Kantharia commission report.
- * One day seminar on New Industrial Policy at ICSSR hall, J.P. Naik Bhavan, University Campus, Kalina : September 8, 1991. Speakers: Mrs Rajani Desai (Girish Srinivasan) & H.K. Paranjpe. 60 participants from 21 unions.
 - * Undertaking responsibility to mobilise funds for Uttar Pradesh Dalla cement factory workers' struggle against privatisation. Deployed police firing and killing of Dalla workers.
- * October 5, 1991 : Held public meeting to condole the death of Com. Shankar Guha Niyogi : Mahatma Phule School, Chinchpokli. Demanded action against BJP government and industrialists for Niyogi's murder.
 - * MASS HUNGER STRIKE by 500 workers on October 9, 1991, at Tardeo, against pathetic Industrial/Labour Court conditions.
- * Marching from Tardeo to Byculla to express solidarity with textile workers on indefinite hunger strike demanding reopening of closed textile mills.

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ट्रेड युनियन सॉलिडॅरीटी कमीटी

Report of the fact finding team into the firing at the Nagpur Alloys Castings Limited, Nagpur, on October 5, 1991.

WHY THE INQUIRY ?

The Trade Union Solidarity Committee, Bombay decided to constitute a fact-finding team to get first hand information into the firing on the workers of the Nagpur Alloys Castings Ltd. (NAC) on October 5, 1991 in which three workers lost their lives. The agenda set for the team was to ascertain the cause of the firing and to gauge the extent of repression unleashed on the migrant labourers -- most of them employed on contract basis and deprived of all their basic rights -- not just by the owners of the unit, the Jayaswal family, but the entire state machinery.

The team, led by B.V. Bapat, general secretary, Sarva Shramik Sangh, and comprising Yogesh Amin, joint secretary, All India Blue Star Employees' Federation; Harish Pujari, Vice-President, Otis Elevators Employees' Union; K.R. Nandakumar, committee member, Hindustan Lever Employees' Union and Mayank Bhatt, member, Bombay Union of Journalists, visited Nagpur during the third week of October and interviewed several workers of the unit. The team also held talks with the police and the labour department officials.

BACKGROUND :

This was the second visit of a fact-finding team from Bombay to Nagpur to investigate into the atrocities committed on the workers of NAC. Earlier, in December-January, a team had investigated into the police firing on the workers of the same unit that had occurred on August 2, 1990, and the police repression on the workers in December 1990, when the workers were not only arbitrarily arrested, but brutally beaten up, following an altercation between the management and the workers. Two workers were killed in this firing. It would be pertinent to briefly enumerate the main findings of the team that visited Nagpur ten months ago.

The firing on workers on August 2 was unnecessary, excessive and indiscriminate. The police action between December 4 and December 17 was reprehensible. The police acted as the owners' agent for strike breaking and not as law enforcing authority. What initially began (and is essentially) a labour-management dispute, turned into state repression, with the owner watching the fun from sidelines.

The management of the unit has indulged in gross violation of all civilised norms of employer-employee relationship. The owners thrived by indulging in unfair labour practice. A few examples of these are :

- (a) Giving perennial and permanent work to contract labour.
- (b) Hiring unlicenced contractors to get cheap labour from outside Maharashtra.
- (c) Breach of Factories Act, the BIR Act by not permitting the formation of workers committee in any of the five units, paying only single-rate overtime, not maintaining proper records of PF, ESI, attendance, wages, etc.

Non-payment of the minimum wages to the work force. The applicable minimum wage, according to the Labour department, Nagpur is Rs.37.60 plus DA. The NAC workers were paid anywhere between Rs.18 to Rs.32 per day. Non-compliance of any of the safety provisions listed in the Factories Act.

The total apathy of the state machinery -- the police, labour and factories inspector's departments -- towards the woes of the NAC workers.

A fact that was crystal clear during the second visit was that there was no let up in the repression of the workers both by the state machinery as well as the owners of the unit in the intervening ten-month period between the two visits. What is of a great concern is the fact that the death of five workers (two in August 1990 firing and three more in October 1991 firing) has not had any effect whatsoever on either the

state machinery or the owners. The Jayaswals have become some kind of trend setters. Taking cue from them several other managements of the units operating from the Nagpur MIDC have started adopting coercive means to crush the voice of the workers. And in this, the state's backing is total.

THE FIRING :

The present dispute is germinated from the earlier unresolved and non-implemented recommendations of the agreement reached between the parties after the first firing dated August 2, 1990. In the last year it was resolved that 265 workmen were to be taken in employment in a phased manner and it has not been done till August 1991. The workers were agitated and demanding re-employment and reinstatement of these workmen by removing the new workers employed by the owners through another contractor. The Labour Commissioner's office at Nagpur failed to implement the recommendation because of the mischief of the management. The owners were not only adamant but started harrassing the set of workmen who were employed as per the agreement. In fact management was instigating the workmen and testing their patience and this has resulted in sit-in-strike from 16.09.91. In this period the management further aggravated the situation by removing semi finished goods short blasting and Grinding machines and also raw materials even though there was an advice by the Labour Commissioner's office not to do so. It is this illegal act on part of the owners that led to the trouble, culminating in the firing and death of three workers.

The management's claim that the rioting started when the striking workers obstructed the non-striking employees from collecting their wages, is patently false because the wages in all the five Jayaswal units are paid only on the seventh of every month and not the fifth; the day the incident occurred. Besides, none of the workers that the team interviewed corroborated this. More importantly, the police as well as the labour department maintained that the main cause of the trouble was the unauthorised shifting of the shot-blasting machines, keeping the work force idle.

Following discussions with the workers, the most shocking fact that has emerged is that the Jayaswals actually planned the riot. A meeting of the management personnel and some 'loyal' workers took place on October 1 in the premises of Nagpur Engineering Ltd (one of the five Jayeswal units operating in the MIDC, Nagpur). It was decided there to break the strike at NAC at any cost. Following this, the shift timings at the NAC, too, were changed, along with the duty chart of the workers. Accordingly, new shift timings were set up which provided for half an hour gap between two shifts. On October 5, when the first shift ended and the second shift was yet to begin, the workers assembled at the factory gate and inside the premises.

The trouble began when these assembled workers at the factory gate saw the shot-blasting machines being shifted out of the factory premises. When they objected to this and inquired whether the deputy labour commissioner's office had been informed about the shifting, the shift-incharge of the unit, one Satish Deshmukh, blew a whistle and the management goons started the onslaught. The goons were armed with lethal weapons, besides carrying 6 mm steel pipes. The majority of the workers at the factory gate were caught unawares and bore the brunt of this onslaught. The second shift workers were coming. Hence, around 3.30p.m. on October 5, there were atleast 300 workers at the factory. When the firing began, three of them — Gangadhar Paigara, Shankar Nayak and Satyawan Pradhan -- died and four others sustained bullet wounds. More than 50 others were beaten up and are grievously injured.

POLICE DIDN'T FIRE

The most revealing and shocking fact that has emerged from the interviews with the victims of the firing and the riot, is that contrary to the police's claim, the police did not fire at the workers. The death of three workers from bullet injuries was not because the police fired to quell a riotous mob, as has been claimed. Actually, the firing was done by the management personnel. Among those who

fired at the unarmed workers were P.K. Choudhary, Personnel Manager:
B.K. Singh, the security officer; Satish Deshmukh, Shift-incharge and
Arvind Jayaswal, Director of Nagpur Alloys Castings Ltd. The workers
whom the fact-finding team spoke to at Kalmik Nagar and Nildoh basti
slum colonies in MIDC, maintain that Gangadhar Paigara was shot at by
P.K. Choudhary. He died before being admitted to hospital. Shankar
Nayak was killed by B.K. Singh. Singh also wounded Kailash Behra when
the latter tried to move Nayak to safety. Satyawan Pradhan was killed
by Satish Deshmukh. The workers further swear that the police did not
even interfere at this point.

The police official whom the team spoke to, deputy commissioner of
police, Nagpur, quite naturally, contested this most vehemently. He
maintained that the firing was the handiwork of the six state reserve
police stationed outside the factory premises. He said the ballistic
and forensic reports, when ready, would prove that the bullets were
fired from a 303 rifle. The workers discount this by countering that
there were only three SRP personnel at the factory gate. Also, the
police had no clue about the total rounds fired when journalists had
pointedly asked the DCP on October 6. But by the time the fact-finding
team met the DCP, the police department, after giving considerable
thought to the matter, conjured up the figure of 21 rounds.

Mathur, taking cue from his former boss, the now replaced Commissioner
of Nagpur, S.M. Pathania, blandly informed the team that the workers
were telling lies. Quite obviously, a concerted move is afoot to shift
the responsibility of the firing from the Jayaswals to the police,
obviously because the state machinery cannot be held accountable for
its deeds or misdeeds. Another surprising aspect to this sordid
affair is the arrest of Arvind Jayaswal on charges of abetting the
riot on October 5. Jayaswal was arrested under sections 147, 148, 149,
307 etc. However, his political and financial clout saw to it that he
got a bail within 24 hours. And the police was surprisingly lax in
opposing the granting of bail. This is while many innocent workers,
injured grievously in the rioting, continue to remain interned in the
Nagpur central jail.

Another pertinent point that should be noted here is that the Jayaswal management's primary intention was to terrorise the workers and inflict bodily harm on them. This is evident from the harrowing tales of torture narrated by several workers. Besides those who were killed in the firing and those who sustained bullet injuries, several others like Ratnakar Palli, Vijay Dohali, Ravindra Palli, Lochan Dukhiram. were almost pushed into the furnace by two management goons -- Kalicharan and Gaurang Saha. Though the workers managed to escape, they were severely burnt. Many other workers were assaulted by Deshmukh and Pradeep Sarkar and have sustained injuries ranging from head abrasion to shoulder dislocation.

MIDC, NAGPUR, A DOMAIN OF MANAGEMENT MAFIA

The October 5 incident at NAC, second in 13 months, in which workers have been killed, highlights the growing trend of management inspired violence to terrorise the work force and subjugate it to toe the management line. In this unholy endeavour, the managements of the MIDC units are ably and openly supported by the government machinery. What is glaring here is the totally causal approach of the various departments concerned to the plight of the workers.

This aspect was crystal clear to the fact-finding team which had visited Nagpur in December-January and also on this occasion. This time, when the fact finding team met the officials from various departments, the only answer that was easily forthcoming was that the other departments were not doing their work, while that particular department was trying everything within its means to help the workers. Pertinently, the deputy labour commissioner's office was not even aware that the NAC management was moving out machinery from the premises. And, according to DCP Mathur, the machinery from the premises were being shifted from September 16. Also, despite the fact that the unit does foundry work, the factories inspector never bothered to ensure that NAC had its own ambulance and ensure first aid in case of accident. As a consequence, on the day of the firing the dead bodies and the wounded were moved to

the general hospital (an hour after the incident) in police vehicles. So much for coordination !

Though it is a steel foundry having furnace, shot blasting, fettling, grinding like departments and though it is compulsory to employ full time certified compounding personnel in all the shifts and a professional Doctor with an Ambulance, the committee found that leave aside a doctor and a compounder not even a first aid kit is kept in the factory. The committee further found that even Nagpur police does not have ambulance at their disposal and therefore post firing medical aid is not given to any injured workmen. The public hospital is about 10 Kms. away from the spot where firing took place.

The Nagpur Alloys Castings Ltd. workers are not the only ones to face the combined onslaught of the management and the state machinery -- though they have been the worst affected. The entire approach of the state machinery and the government appears to be anti-labour. The MIDC complex at Hingna, on the outskirts of Nagpur city, today resembles a military zone with SRP and police camps set up at short distances. During the last two years, not a single management of the several units operating from the MIDC has allowed a proper trade union of workers to be formed or negotiate a settlement with the union. In this, the associations of the industrialists in Nagpur and the entire Vidarbha region are in the forefront. Among the units known to deny workers their due rights are VIP, (where the management has instructed the workers to individually negotiate their demands), Indian Equipments (where the six active workers have been suspended and five others have been implicated in many cases). These are merely instances. In general most of the units do not pay even minimum wages to the workers and most of them are employed on contract.

CONCLUSION & SUGGESTIONS

Considering the above facts it is evident that the situation at the NAC in particular and the MIDC, Nagpur, in general, is grim and is nearing the point of no return. The earlier fact-finding team had made several

suggestions none of which have been implemented. The dismissal of the commissioner, Pathania, had been demanded. He has been replaced not for the two firing instances on the workers of NAC, but for the murder of the journalist from a local newspaper by a sub-inspector. It had been brought out that all the Jayaswal units thrive though contract system. It had then been suggested that to prevent the occurrences of labour unrest and exploitation of the workers by means of contract system, the same should be abolished and the workers be made permanent. Dismissal of the deputy labour commissioner, the deputy factories inspector had also been suggested. These suggestions remain relevant and unaffected.

It is the considered opinion of the team that while the state machinery is unlikely to adhere to any of the suggestions and not make any attempt to redress the situation prevailing in the MIDC, it is finally the responsibility of the local activists, working in the MIDC, to gather together and organise the workers of the units operating in the MIDC. Even though most of the workers face similar problems and there are several activist groups working in the area, a united, cohesive, issued-based trade union front has not emerged, despite two shocking instances of firing and the death of five workers. It is primarily because of this lack of unity that politician like Congress MLA, Satish Chaturvedi have succeeded in having a hold over a section of the workers.

The team has the following demands to make :

- * THE BAIL GRANTED TO ARVIND JAYASWAL SHOULD BE CANCELLED AND HE SHOULD BE RE-ARRESTED AND KEPT UNDER CUSTODY
- * THE OTHER SENIOR OFFICIALS OF NAC -- P.K. Choudhary, B.K. SINGH, SATISH DESHMUKH SHOULD BE ARRESTED AND CRIMINAL PROCEEDINGS SHOULD BE LAUNCHED ON THEM FOR REASONS LISTED EARLIER.
- * A JUDICIAL PROBE BY A HIGH COURT JUDGE SHOULD BE HELD TO PROPERLY INVESTIGATE THE MATTER.

To conclude: the team can only repeat what had been said earlier:
 "The committee has come to the conclusion that if the collusion
 between the state machinery and the management is not stopped
 forthwith, this Dhanbad-mafia culture, which is at the moment
 specific to MIDC, Nagpur, will set a precedent and spread like wild
 fire throughout the state. In view of this, the committee, on behalf
 of the Trade Union Solidarity Committee, Bombay, appeals to the Chief
 Minister and all the right thinking people of Maharashtra to come
 together and check this unsavoury trend of repression on workers
 unleashed unitedly by the state machinery and the owners. If this
 trend is allowed to continue, there will be no stopping it."

Thanking you.

TRADE UNION SOLIDARITY COMMITTEE, BOMBAY

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