

A CISSA COMMUNITY REPORT
New Delhi • March 1998

BEHIND THE INDUSTRIAL SMOKESCREEN

Copies Available at :

1. D. Thankappan
45, Sainik Farms
Khanpur
New Delhi-110 062.
2. Prafulla Chakraborty
9, Netaji Subhas Road
P.O. Uttarpara
Dist. Hooghly
West Bengal.
3. Hari Singh Tark
Village & PO Lehragaga
Dist. Sangrur
Punjab.
4. Dr. Abhay Shukla
House No. 409
Indian Institute of Technology
Kanpur-208 016.
5. Centre For Education &
Documentation
3, Suleman Chambers
4, Battery Street
Bombay-400 039.
6. Sonal Mehta
B\1\5, New Alaknanda Flats
near Azad Society
Ambawadi
Ahmedabad-380 015.
7. Geetha
Tamil Maanil Kattida Thozhilar
Sangam
14, Mandapam Cross Street
Kilpauk
Madras-600 010.
8. Pakriswamy
2091, East End
'8th' Main
9th Block, Jayanagar
Bangalore-560 069.
9. Henry Tiphangne
A-23/3, MIG Flats
Vaigal Colony
Anna Nagar
Madurai-625 020.
10. A.J Vijayan o73
P.C.O.
Spencer Junction
Trivandrum-695 001.

11. Claude Alvares
Rustic
Almedia Vaddo
Goa-403 510.
12. George Chira
Flat No. 22
Bldg. No.5
Sadhu Vaswani Kunj
Pune-411 001.

In Madhya Pradesh:

1. Parthasarathy Dubey
Meenakshi Sadan
Behind Nalanda Hotel
Ibrahimpura
Bhopal-462 001.
2. Om Prakash Rawal
496, Sudama Nagar
Indore-452 009
3. Rakesh Diwan
Kasera Mohalla
Hoshangabad
Madhya Pradesh-461 001.
4. Dr. (smt) Iina Sen
P.O Box No. 130
15, North Avenue
Choubey Colony
Raipur-492 001
5. Dr. Vijay Bahadur Singh
48, Swarnakar Colony
Vidisha
Madhya Pradesh
6. Ashok Khan
c\o Dr. Jagdish Namra
Gainde Wali Road
Lashkar
Gwalior.
7. Kankar Munjare. Ex-MP
Balagat
Madhya Pradesh.
8. Shyam Bahadur Namre o73
Village & P.O Jamudi, Anupur
Dist. Shahdol
Madhya Pradesh-484 224.
9. Surendra Gangele ,Advocate
C\O Shri Y.S. Dharmadhikari
Wright Town, Jabalpur

CONTENTS

| | PAGE NO. |
|---|-----------------|
| 1.0 Introduction | 1 |
| 2.0 Methodology | 3 |
| 3.0 A brief Background | 6 |
| 4.0 The Contract Labour System | 9 |
| 5.0 Industrial Safety | 14 |
| 6.0 Wages | 23 |
| 7.0 The Industrial Dispute | 30 |
| 8.0 Violence on Workers | 39 |
| 9.0 Role of the Police and Administration | 46 |
| 10.0 Arrest, Externment and Assassination: Chronology of a Murder foretold | 49 |
| Conclusions | 53 |
| Summing Up | 56 |
| List of Tables | |
| List of Exhibits | |
| List of Annexures | |

LIST OF TABLES

| TABLE NO. | PARTICULARS | |
|------------------|--|----|
| 1. | Major Industries of Chhasttisgarh | 7 |
| 2. | The Fruits of UnderPayment (cited from 'Tall Chimney Dark Shadows' PUDR-June 1991) | 13 |
| 3. | List of Workers Who died in Industrial Accidents | 19 |
| 4. | Maximum and Minimum Wages Prior to Unionisation by Chhattisgarh Mukti Morcha | 24 |

| | | |
|----|---|----|
| 5. | Wages Being Paid to Skilled Workers in November 1990 | 26 |
| 6. | List of Workers Victimised by Various Industries | 35 |
| 7. | Chronology of Violence Unleashed by Hired Goons and Police on Workers | 42 |

LIST OF EXHIBITS

| EXHIBIT NO. | PARTICULARS |
|----------------|-------------|
|----------------|-------------|

- | | |
|----|---|
| 1. | A Sample Attendance Card without Identity of the Company |
| 2. | A Sample Duty Slip Showing Illegally extended Hours of Work |
| 3. | An Advertisement by the Simplex Group |
| 4. | A Sample Computerised Wage Sheet (July'89) of Simplex Castings Ltd., Showing Low Wages and Lack of Stipulated Allowances |
| 5. | A sample of Record Notes by the Government Labour Officer, Tedesara, about the Absence of the Simplex Group at the Concilization Meeting with PESS on 8.11.90 |
| 6. | Financial Statement of Bhilai Wires Ltd., Claiming a fall in Sales and Profits due to Disturbed Labour Situation in Bhilai. |
| 7. | Initial part of the Tape-Recorded Statement of Late Shri Shankar Guha Niyogi Discovered by His Family After His Assassination |

LIST OF ANNEXURES

| ANNEXURE NO | PARTICULARS |
|----------------|-------------|
|----------------|-------------|

- | | |
|---|---|
| I | Solidarity Committee in Support of Chhattisgarh Workers' Struggle |
|---|---|

- ii Itinerary of the Citizens' Committee in Chhattisgarh
- iii A Sample of Front Page Advertisement Inserted by the Citizens' Committee on 23.11.91 in all the Leading Hindi and English Newspapers of Raipur
- iv A list of Representatives of Various Organisation Who Deposited before the Committee
- v A list of Workers Shown as 'Contractors' by the Management of Simplex Engg. & Foundry Works Pvt. Ltd. Unit-111 (Tedesara, Dist. Rajnandgaon)
- vi A Sample Charter of Demands of a CMM-Affiliated Union
- vii
 - a) Views Expressed by Shri B.R. Jain, Chairman, Bhilai Industries Association, Regarding Shri Niyogi in November 1990 o73
 - b) Views Expressed by Shri B.R. Jain, Bhilai Industries Association, Regarding Shri Niyogi in October'91
- viii Views of Various Political Leaders on Working Conditions and Industrial Relations in Bhilai (1990-91)
- ix Letter from a PESS Activist to Police Station Officer, Jamul, Bhilai, Requesting Inquiry into the Conspiracy Between Goonda Elements and the Industrialists Against Workers and their Leaders
- x A Memorandum from the Residents of Kumhari and Workers of Chhattisgarh Distilleries to Collector (Durg) Requesting Protection Against Hired Goons
- xi Memorandum to the President of India With 50,000 Signatures Submitted by a Delegation Led by Late Shri Shankar Guha Niyogi

PREFACE

The Citizens' Committee on Industrial Unrest in Bhilai toured the Bhilai Industrial belt for five days in November 1991. The purpose of the visit was to probe into the 16-month long industrial turmoil which has affected the life of almost one lakh workers employed as contract labour in privately owned ancillary and auxillary industries of the public sector Bhilai Steel Plant.

A site visit to a liquor factory to study the working conditions and open and close door sessions in Bhilai and the industrial estates of Urla (Dist. Raipur) and Kumhari (Dist. Durg) were part of the Committee's methodology of collecting evidence . Apart from meeting the representatives of various trade unions, political parties, voluntary bodies, administration and the Press, the Committee also met four out of the five most powerful industrialists of the region. This was probably the first instance during the current strife when the industrialists expressed their viewpoint at length before a public body. The report which we present here is based upon the evidence as it unfolded from dozens of in-depth interviews which have been cross-checked with voluminous documentary evidence and data made available to the Committee.

The Committee worked under severe limitations of time and lack of resources. Despite this we firmly believe that our conclusions, which have been drawn with caution and after sifting through opinions of various contending parties, would be useful in determining the steps that must now be urgently taken by the Government of Madhya Pradesh and the industrialists of Bhilai. This is necessary not only to avert a potentially explosive situation and alleviate a great deal of human suffering in the region, but also if we wish to retain any commitment to the democratic norms and processes that our society claims allegiance to.

Published By : D.Thankappan, Convenor Solidarity Committee in Support of Chhattisgarh Workers' Sturggle (Chhattisgarh Andolan Samartan Morha) 45, Sainik Farms, Khanpur, NEW DELHI-110 062.
Suggested Contribution : Rs. 20/-

Printed at Kalpana Printing House
L-4, Green Park Extension, New Delhi - 110016.

BEHIND THE INDUSTRIAL SMOKE SCREEN

1.0 INTRODUCTION

1.1 [Shankar Guha Niyogi, a renowned labour leader and revolutionary social reformer, was shot dead while asleep, on 28th September, 1991, in the early hours of morning at his house in Bhilai (Dist. Durg, Madhya Pradesh). Niyogi had moved to the Bhilai industrial area at the beginning of 1990 from Dalli Rajhara, a mining township about 150 km away within Dist. Durg and headquarters of his movement, Chhattisgarh Mukti Morcha (CMM) and its various affiliated organisations. With this significant move, Niyogi initiated the process of organising tens of thousands of contract workers facing injustice and exploitation in the privately owned ancillary and auxiliary industries of the Bhilai Steel Plant (BSP). For thirteen years before this, Niyogi had successfully led various movements in different parts of the Chhattisgarh region in eastern M.P., involving miners of captive iron ore and other mines of BSP, textile workers of Rajnandgaon and tribal people of the neighbouring rural areas, under the banner of Chhattisgarh Mukti Morcha. He had combined relentless struggle for the democratic rights of the exploited masses with an alternative vision of social development of Indian society. This multi-dimensional and sustained organisational process since 1977, preceded by another 15 years' history of social action and various explorations in the Chhattisgarh region, had given Niyogi

almost legendary credentials as a unique organiser and mass leader.]

1.2 Given this background, it was only expected that Niyogi's brutal assassination would create a spontaneous nationwide stir, sending shock waves through India's entire democratic fabric. This was especially significant in the context of the timing of his assassination, i.e. at the peak of the labour movement in Bhilai. Accordingly, about 75 organisations of workers, including some central trade unions, students, teachers, artists, journalists, writers, and social, women and human rights activists came together on the afternoon of 28th September itself at the grounds of Constitution Club, New Delhi, to condemn this assassination and to explore ways and means to support the workers' movement in Bhilai. At this meeting, the participating organisations decided to form a **Solidarity Committee for Chhattisgarh Movement (Chhattisgarh Andolan Samathan Morcha)** for co-ordinating future action. A list of these organisations is provided in Annexure I.

1.3 Since then the Solidarity Committee met regularly to take stock of the rapid developments that followed Niyogi's assassination and to provide support. By mid-October, the Solidarity Committee had taken note of the ambiguous stand of

the Government of M.P. as reflected through the various self-contradictory statements issued by the Chief Minister Shri Sundarlal Patwa and some of his cabinet colleagues and the lack of adequate response from the police and other local authorities. To counter this situation, the Chhattisgarh Mukti Morcha had mounted a massive campaign. Niyogi's funeral was followed by a week-long protest strike in the Bhilai industrial area, including Urla (Dist. Raipur), Tedesara (Dist. Rajnandgaon) and Kumhari (Dist. Durg). About 500 sit in-cum-hunger strikes were organised throughout the Chhattisgarh region by the CMM, which continued until the arrival of the CBI team from Delhi in the first week of November. Mass rallies and meetings, often addressed by prominent national leaders, were held almost daily in different places. These articulated the twin demands of arrest of those responsible for Niyogi's assassination and fulfilment of the various demands of the year-long workers' movement in Bhilai. On 13th October, CMM organised a rally of more than one lakh people. None of this, however, seemed to evoke a positive response from the State Govt. or the Bhilai industrialists. This created a highly tense situation in the Bhilai industrial area and heightened the prevailing industrial unrest to a new level.

1.4 Concerned about this fast deteriorating situation, the Solidarity Committee decided to send a fact-finding team, called **Citizens' Committee on Industrial unrest in Bhilai**, to the Bhilai industrial belt.

This Committee had the following terms of reference:

- i) To find out the circumstances that led to the assassination of Shri Shankar Guha Niyogi.
- ii) To study the nature and content of the movement led by the Chhattisgarh Mukti Morcha and its affiliated trade unions in the Bhilai industrial belt, before and after the assassination of Shri Niyogi.
- iii) To study the role of the State Government machinery (especially that of the Labour and Police Departments) in relation to this movement of the industrial workers in Chhattisgarh.
- iv) To suggest ways and means to establish industrial peace and safeguard civil liberties and democratic rights in the region.

The Citizens' Committee comprised of the following persons:

- i) Shri D.S. Tewatia, ex-Chief Justice of Punjab and Haryana High Court and later of Calcutta High Court;
- ii) Shri Kuldip Nayar, senior journalist and ex-High Commissioner of India to the United Kingdom;
- iii) Shri Vijay Tendulkar, the well-known playwright and theatre personality;
- iv) Dr. Anil Sadgopal, noted educationist and social activist; and
- v) Shri Rakesh Shukla, Advocate, Supreme Court (Convenor and Member-Secretary).

The Solidarity Committee also called upon its member-organisations to raise and contribute funds for the expenses of the Citizens' Committee. Donation coupon books were issued to facilitate fund collection from the public at large.

2.0 METHODOLOGY

2.1 The Citizens' Committee spent five days (Nov. 23-25 and Nov. 27-28, 1991) touring the area and meeting people. It visited the Bhilai industrial area and the nearby industrial estates of Kumhari (Dist. Durg) and Urla (Dist. Raipur). A visit to the mining township of Dalli Rajhara was also made to trace the background of the movement. The itinerary of the Committee is given in Annexure II.

2.2 The Committee listened to different shades of opinion and to citizens belonging to diverse walks of life, who had been invited through a front-page advertisement in newspapers appearing from Raipur (see Annexure III). A sizable number of local citizens, including industrial workers, both men and women, students, lawyers and others gathered at the venue of the meeting and, for almost 3 to 3-1/2 hours, the Committee listened to what they had to say. The entire deliberations were recorded in short-hand as also on tape-recorder for future reference. This practice of recording the deliberations was followed in most of the meetings which the Committee held later.

2.3 The Committee sent written invitations to various trade unions operating in

the area, local offices of the political parties and to the owners/managements of the five most powerful private industrial houses of the area, (except ACC) viz. Simplex Group of Industries, Beekay Engg. Co., Bhilai Engg. Corp., Bhilai Wires Ltd. and Kedia Group of Distilleries. These were the same five industrial groups that had been named earlier in Smt. Asha Niyogi's FIR. Invitations were also sent to the local IG(Police), SP and the District Collector (Durg), who were further reminded of the scheduled meetings with them by repeated phone calls. However, none of the local authorities responded to the invitation.

2.4 The representatives of INTUC, CITU, TUCI, AICCTU, PESS (Pragatisheel Engineering Shramik Sangh), CCMMS (Chhattisgarh Chemical Mill Mazdoor Sangh), PCSS (Pragatisheel Cement Shramik Sangh), and others met the Committee one by one (see Annexure IV for list). The Committee could not get the benefit of the views of the local units of AITUC (the labour wing of the CPI) and the BMS (the labour wing of the BJP), though written invitations had been sent to their offices. Strangely enough, however, towards the end of the Committee's visit to the area, the Bhilai-based Unions, claiming affiliation to AITUC, issued a statement to the Raipur press addressing certain questions to the Committee. The questions were designed such as to cast doubts in the minds of the public regarding the credibility of the Committee and its members, especially in the context of the

Committee's association with PUCL. Had these union representatives met the Committee when they were invited, the Committee would have readily provided them with the desired information, (which is provided here in Annexure I), besides benefitting from their long experience of organising and representing the Bhilai workers in various factories. They were also probably not aware that both AITUC and CITU were appropriately represented in the Solidarity Committee in Delhi right since its inception. A better appreciation of the response of the local unions, claiming to represent AITUC, towards the Citizens' Committee would have to await the discussion later in the report, regarding their role in the workers' movement in the region during the recent years.

2.5 Local office bearers of various national political parties, met the Committee and expressed their views (see Annexure IV a for list).

2.6 Either owners and/or top management personnel of the four out of five industrial houses responded to the Committee's invitation. Bhilai Wires Ltd. (Khetawat Group) did not respond. A complete list of those who met the Committee is given in Annexure IV a.

2.7 The Committee visited the industrial estate of Kumhari (Dist. Durg) twice - once to meet the workers of Chhattisgarh Distilleries Ltd. (owned by Shri Kailashpati Kedia) and again, to study the working conditions inside the factory, at the invitation of its management.

2.8 The Committee also visited the industrial estate of Urla (Dist. Raipur) and met about 200 workers belonging to different industries in an open session. A large number of workers made detailed statements which were subsequently cross-checked. This meeting, lasting for more than three hours, gave an opportunity to the Committee to compare the working conditions, contract labour system, wage levels and the alleged practice of threats and violence by industrialists, as prevailing in Urla and Bhilai.

2.9 At Raipur, the Committee invited representatives of all local newspapers to a meeting to express their views. Representatives of three major newspapers, viz. Amrit Sandesh, Nav Bhaskar, and Deshbandhu responded (see Annexure IV a). On the next day, Shri Kuldip Nayar, a member of the Committee and a senior journalist himself, went on a round of several newspaper offices and sought the views of the Editors themselves (see Annexure IV b).

2.10 The Committee invited several important citizens of Raipur, including, an ex-Congress (I) MP and an ex-Janata Dal MLA, who have been close observers of the activities of Chhattisgarh Mukti Mocha since 1977 and of the recent developments in the Bhilai region. This informal discussion helped the Committee to gain a deeper insight into several of the undercurrents influencing the response (or the lack of it) of the Government and industrialists to the issues and demands raised by CMM. The committee also met the repre-

sentatives of some of the local voluntary bodies, including PUCL (Raipur unit), as shown in Annexure IV a.

2.11 The Committee reported to the Raipur press as to how the Durg-Bhilai administration avoided a meeting with the Committee. The next morning the Commissioner (Raipur Division), having jurisdiction over the entire Bhilai industrial belt, agreed to meet the Committee, along with the District Collector (Raipur).

2.12 The following two delegations met the Committee at their own requests:

- i) A delegation of senior leaders of CMM, including its President, Shri Janak Lal Thakur. The members of the delegation had just returned from Indore, where they had gone for a formal meeting with the representatives of the five industries in the presence of the Joint Labour Commissioner, MP. This was the first time that the industrialists had agreed to sit at the negotiating table with CMM, after refusing to do so for 14 months.
- ii) A delegation comprising of industrial workers, farmers, petty shopkeepers and teachers (about 15 in all) came to meet the Committee from Tedesera, the industrial estate in turmoil in Dist. Rajnandgaon. Besides submitting a Memorandum, the delegation described the working conditions in the Tedesera factories, the response of the

factory owners towards the workers who joined the CMM-sponsored trade unions and the impact of the new movement on the life of the workers in particular, and the citizens in general.

2.13 The Committee made a point of seeking documentary evidence from everyone it met to substantiate what was being reported, such as copies of letters of demands, Memoranda and other such papers submitted by the trade unions to the industries/Labour Commissioner's office, FIRs and other written complaints of violence filed with the administration, copies of Police chargesheets and court orders, Minutes of official meetings with the authorities, medical records and photographs of wounded workers, wage sheets of industries, etc. The findings which have been presented here have thus been corroborated and cross-checked through various sources.

2.14 A seven-member fact-finding team comprising of lawyers, teachers and professionals had visited the Bhilai industrial area from 28th March to 3rd April, 1991, on behalf of PUDR (People's Union for Democratic Rights, Delhi). A well-documented report, entitled 'Tall Chimneys Dark Shadows', was released by PUDR in June, 1991 on the basis of this investigation. The Citizens' Committee found the PUDR report a useful reference material during its study of the area and was able to corroborate almost all the findings presented in the report through independent evidence gathered by it.

3.0 A BRIEF BACKGROUND

A brief description of the industrialisation process in and around Bilai over the past three decades would be necessary not only to place the findings of the Committee in perspective but also to emphasise the wider significance of the issues and the conflict in the context of which Shankar Guha Niyogi was murdered. These have relevance far beyond their immediate context, particularly in the rapidly changing economic and political scenario in the country as well as throughout the world.

3.1 Chhattisgarh, a geo-cultural-cum-historical concept, refers to a region comprising of seven districts in eastern Madhya Pradesh viz. Bastar, Bilaspur, Durg, Raigarh, Raipur, Rajnandgaon and Sarguja. Chhattisgarhi is the dominant spoken language of a fairly large tract of this region, though other languages characterise different parts as well as different tribal groups. Prominent among these other languages are Halbi, Gondi and Oraon, while Telugu is widely spoken in South Bastar and Oriya in areas bordering Orissa. Hindi is a common link throughout the region, but is spoken only in the towns. It also serves as the official medium in Government offices and Courts. Despite this diversity in languages, the region has a distinct cultural identity that is sustained through a sense of common history. Tribal people constitute about 33% of the Chhattisgarh, 1.76 crore population (1991 Census).

3.2 Further, Chhattisgarh shares a common sense of poverty and economic back-

wardness. This is partly a result of general lack of irrigation facilities, notwithstanding the region's 'bowl of rice' fame. Partly the poverty and growing unemployment are a product of the distorted nature of industrial development, that has exploited the rich mineral and forest resources of the region, but has done little for social or economic upliftment of its people (see table 1 for a list of major industries of Chhattisgarh). The present industrial unrest in Bilai can also be viewed as a part of the general malaise that characterises the prevalent pattern of development in Chhattisgarh. Combined with its distinct cultural and historical identity, this perception of having been alienated from India's development plans, despite huge capital investments, has provided for long the ground work for a simmering people's movement for a separate Chhattisgarh state.

3.3 The Bilai Steel Plant (BSP) was set up in the fifties on the outskirts of Durg town with Soviet aid. Conceived in the 'temples of modern India' framework, its stated objectives included not only self-reliance in quality steel production but also integration of the modern economy with an admittedly backward region as also the generation of employment and skills. In the past thirty-two years, as Bilai has moved away from being an obscure village to being the hub of sprawling industrial estates running from Rajnandgaon to Raipur and beyond, the area has indeed witnessed

Table 1**Major Industries of Chhattisgarh**

| Important Industrial Units Of Chhattisgarh | | |
|--|------------------------|--------------------------------|
| Name | Product | Production Capacity (Per Anum) |
| 1. Bhilai Steel Plant, Bhilai | Steel & Steel Products | 40 lakh TPA |
| 2. Bharat Aluminium Co. Korba | Aluminium | 2.15 lakh TPA |
| 3. ACC Cement Plant Jamul Durg | Cement | 4.00 lakh TPA |
| 4. CCI- Cement Plant Mandhar | Cement | 4.00 lakh TPA |
| 5. CCI- Cement Plant Akaltara | Cement | 4.00 lakh TPA |
| 6. Century Cement Plant Baikunth | Cement | 8.00 lakh TPA |
| 7. Raymond Cement Works Bilaspur | Cement | 4.00 lakh TPA |
| 8. Modi Cement Plant Balodabazar | Cement | 10.00 lakh TPA |
| 9. B.N. Cotton Mills Rajnandgaon | Teritiles | 30180 spindles |
| 10. Raigarh Jute Mills Raigarh | Jute | 14.00 TPA |
| 12. Bilaspur Spinning Mill Bilaspur | Yarn | 25000 Spindles |
| 13. DM Chemicals Kunhai (Durg) | S.Phosphate | 61000 TPA |
| 14. BEC Fertiliser. Bilaspur | S. Phosphat | 60000 TPA |
| 15. Brook Bard Paper, Chanpa | Paper | 10000 TPA |
| 16. Bhilai Refractories, Bhilai. | Fire Clay, Sitica | 110 000 TPA. |

Chhattisgarh region has more than 100 steel based industrial units (Mini Steel Plants, Castings foundries Re-rolling Mills) Some of the MP Steel based units are Raipur Alloys & Steels Raipur, Bhilai Engineering Corpa, BECO Steel Casting Bhilai, Simpiex Castings Bhilai, Allied Steels Ltd. Raipur, Himmat Steel foundry Kumhari Bhilai Wares Ltd Bhilai.

Among one dozen Solvent Extraction Plants notable are: MP Oil Extractions Raipur, MARKFED Solnent Extraction Plant- Durg, Bastar Oil Mills, Sal Udyog Raipur.

Oxygen & Gas Plants: Asiatic Oxygen, Parkaj Oxygen Ltd: Raipur, Rishi Gases Bilaspur.

Mill Cement Plants: Jai Bajrang Cement Plant, Dinesh Cement, Calcar Products Raigarh, Rudra Cement.

(Source: M.P. Chronicle, Raipur, 30.9.91)

rapid industrialisation. However, we found that there are strong perceptions among the local people that "the Plant has not given anything in return to the region for the resources it has sucked away - minerals, water, land and forest". In particular the utilisation of most of the scarce water reserves of this now chronically drought-prone region and the failure to provide adequate local employment (in fact, modernisation schemes are making major inroads into the existing workforce) are the subject of considerable controversy. An outstanding instance of this is provided by BSP itself which, by increasing the level of mechanisation and automation, has managed to decrease its work-force from 96,000 in 1984 to 55,000 in 1992. In the meantime, its production capacity is projected to go up from 2.5 million tonnes of steel to 4.2 million tonnes !

3.4 More than 120 large and small auxiliaries, ancillaries and other industries dependent on a variety of by-products of the Plant (benzol and tar products, granulated slag, ammonium sulphate and most important - crude and scrap steel) have mushroomed around BSP, including a major cement plant of the Tata-owned Associated Cement Companies. Some such engineering enterprises notably the Simplex Engg. & Foundry Works, Bhilai Engg. Corporation, Beekay Engg. Co., Bhilai Wires and Nagpur Engg. Co., apart from the Kedia Group of Distilleries, have witnessed phenomenal growth of assets over the past 25 years. Simplex, which began with primitive maintenance work on BSP

premises, has for instance an annual turnover of around Rs. 80-90 crores.

3.5 A large number of persons the Committee spoke to referred to the contrast between the living and working conditions on the two sides of the railway line passing through Bhilai as "India vs. Bharat", thus underlining the stark contrast between the lives of the permanent, better paid, and formally skilled workers of the public sector BSP living in their neat township and those of the poorly paid, predominantly casual and contract workers in the private industries.

3.6 It was also quite evident from our discussions that the owners of some of the wealthy industrial houses wield not only economic power but also considerable political clout and influence over the State machinery. As instances, Shri B.R.Jain, Chairman, Bhilai Engineering Corpn., has recently been appointed Vice-Chairman of the Customs Advisory Board, and Shri Kailashpati Kedia - the well known liquor baron - has been presiding over various literary and philanthropic institutions in the State, for which the Chief Minister Shri Patwa felicitated him recently with a prestigious award. Recent investigative reporting has unfolded evidence of the extent of influence the liquor barons of Madhya Pradesh, the Kedia Group being the most prominent among them, have exercised over the formulation and execution of the new excise and liquor policies of the BJP Government; the significance in this regard of a fresh industrial collaboration between the Kedia Group

struggle in labour law - emp't opportunities

and the family members of a key figure (Shri Kailash Sarang) in the political hierarchy of the State BJP cannot be ignored (JANSATTA: 29-30.11.91).

3.7 Statements of various ministers and top bureaucrats of Madhya Pradesh in the recent past seem to indicate that a phase of considerable fresh investment of capital (running into thousands of crores of rupees), including major foreign collaborations, is being anticipated in the region. With its abundant mineral resources and availability of cheap labour, one can well imagine that the factors attracting fresh investment to this region would implicitly include the "flexibility" of industrial and labour laws, lack of strong organisations of workers, presence of pliable trade unions, absence of effective monitoring-cum-regulatory official agencies, and the easy recourse to casual & contractual employment. It is in this context that the repressive response of the State machinery to the movement of the Chhattisgarh Mukti Morcha and the elimination of Shankar Guha Niyogi assume their real significance.

3.8 Any discussion of workers' struggle in Bhilai would be incomplete without a reference to the earlier struggles where AITUC/CITU provided leadership. Thus, the workers recall the leadership provided by AITUC in 1976, CITU in 1981 and again AITUC in 1989. A particular mention needs to be made of CITU's Shri P.K. Moitra whose leadership in 1981 galvanised workers for a struggle against the industrialist. However, the industrialists quickly man-

aged to foist a criminal case on Shri Moitra implicating him in some bomb explosion and unleashed severe repression on the workers with the help of the administration for a period of about two months. Despite a brave beginning, Shri Moitra washed his hands off the struggle, joined the Bhilai Engg. Corporation as their Legal Adviser, and ironically appeared, a decade later, before this Committee as Shri B.R. Jain's assistant-cum-advisor!

Had any of the above struggles persisted, even if only partially, at least one of these Central Trade Unions would have continued to command the trust of the hapless contract workers of the Bhilai region. However, the formal and organised sector comprising of better paid, skilled and educated, and permanent workers in BSP, ACC etc. apparently drew greater attention of these more established unions including INTUC. With the exploitation of the thousands of contract workers in the privately owned factories remaining essentially unchallenged for more than two decades, a wide democratic space was left open for a leader like Niyogi, hardened in the struggle of Dalli Rajhara contract workers, to enter the Bhilai industrial scene and at once capture the workers' imagination.

4.0 THE CONTRACT LABOUR SYSTEM

4.1 As we found in our open sessions at Bhilai, Urla and Kunhari, and through our discussions with trade union leaders, labour lawyers and representatives of political parties, one of the most critical

demands of the workers revolves around the employment conditions inherent in the contract labour system. This demand is concerned with the absence of security of employment and attendant benefits provided by law. The workers' foremost demand is the abolition of contract labour, i.e. regularisation of workers as per the provisions of The Contract Labour (Regulation & Abolition) Act, 1970. The workers stated that the violation of this Act ensures the extraction of as much work at as little remuneration and benefits as the industrialists manage to get away with. They further argued that the non-implementation of this Act facilitates the violation of other labour laws and even fundamental rights, like the right to organise.

4.2 According to the workers, the contract system is the predominant method in Bhilai, Urla, Tedesera and Kumhari for recruiting labour, skilled or unskilled. No more than 5 to 10% of the workers in the factory would be in the regular payroll of the management. Most of these would be managers and senior officers of the factory. As an instance of this we were informed that out of about 1400 workers at the Chhattisgarh Distilleries, no more than 70 persons were regular employees, most of them being in the alcohol plant, while almost all of the rest working in the Washing, Bottling and Packaging Sections would be on contract, with layers of contractors and sub-contractors (in recent conciliation talks with CMM the Kedia management has claimed that even

less i.e. only 39 persons are in their regular employment). We also discovered that there is an increasing tendency to shift workers from the company's payroll to the contractor's register. In the case of Shri S.K.Singh, skilled worker at Simplex Steel Casting Ltd., Urla, employed by the company since February 1987, an oral order was considered enough to shift him, in July-August, 1990, from the company to the contractor. When Singh protested to the General Manager he was told to do as he was ordered ("*Jaisa Company bolta hai, vaisa karte jao*"). The contractor noticed the protesting nature of Singh, and promptly stopped paying his wages even through the register. Eventually, Singh was required to sign receipts for his wages on plain white paper only. Now, Singh says that he can not even produce a proof of his service, in which Simplex Group finds a convenient excuse for refusing to take him back into the factory. Apart from Kedia and Simplex groups, where contract labour seems to be the dominant mode of hiring, contract labour is also widely reported in Beekay Engg., Bhilai Wires, Bhilai Engg. Corporation and almost all other industries in the area with the possible exception of ACC(Tata group) and BSP (a public sector undertaking). Even at BSP, the proportion of contract workers, though relatively small so far, is going up. This is being achieved by substituting only contract workers in place of those who retire from regular payroll. In ACC too, Shri Bharat Lal Chauhan of Pragatisheel Cement Shramik Sangh (PCSS) alleges, the proportion of workers hired on contract may be as large as 20-25% and the

violation of various labour laws in their case as significant as in other private enterprises.

4.3 The Contract Labour (Regulation & Abolition) Act, 1970, prohibits employment of contract labour when the work is of perennial nature and is not incidental to the industry. We have recorded cases of dozens of workers who have served various factories in specific jobs for periods ranging from 1 to 15 years, often as highly skilled labour in the same job, but continue to be maintained as contract workers. Many of the factories employing them did not maintain any regular records of their service, and wage registers were frequently destroyed ("*Bhatti mein dal dete hain*", a worker of Kedia Distilleries declared in anguish). In some factories this may not always be necessary, since their management have built up a system of rotating workers from one contractor to another once every 90 days. In others, according to several workers from different factories, the registers are routinely changed every week, fortnight or month (our request to the management of Chhattisgarh Distilleries to let us have a look at the wage registers did not meet with any success). No identity cards are issued to the workers; the question of appointment letter does not even arise. Even the Gate Passes that we saw had no mark on them which would identify the factory or the management. Neither the name of the company nor the wages are mentioned in the attendance card, shown here as Exhibit No. 1. All of this violated The Contract Labour

Act, which required every contractor to issue an employment card to each worker within 3 days of his/her employment. In Bhilai a worker would not be in a position to produce any proof of his or her service even after having served in a factory for 10 years.

4.4 Further, The Contract Labour Act clearly provides for equal wages and identical facilities for contract labour and the regular workers holding equivalent jobs in the same establishment. But this legal provision exists more in violation, than in adherence. Thus, as per the workers' accounts, the contract workers did not enjoy any of the leave benefits available to the regular worker, such as medical, casual, maternity, or earned leave; provident fund facility may or may not be available. Flouting the provisions of The Factory Act and The Contract Labour Act, the managements did not provide adequate toilet, rest room, creche and canteen facilities and also forced the workers to work for more than 10 to 14 hours a day. A clear evidence of this was provided to us by Shri Jassa Singh, employed by Simplex Castings Ltd., as a crane operator; his duty regularly extended upto 12 hours per day, without payment of any overtime (copy of Duty Slip shown here as Exhibit No. 2). We were told that he is probably a rare worker to have such a proof. Payment of overtime was also at half the rate prescribed by the authorities. Contrary to legal provision, women workers were frequently made to work till late in the night. Forced overtime is, however, gradually

becoming a thing of the past, as the workers' struggle gains strength.

4.5 Another telling bit of information was provided to us by Shri D.Sanjivi, a young labour lawyer based in Bhilai, which is further indicative of the devious ways that are employed by the management to camouflage the illegal contract labour system. Thus Annexure V, presents a list of workers who are shown as 'contractors' by the Simplex Group but do not have a single worker under them, and themselves work on piece rate wages.

4.6 In our meeting with the industrialists, we questioned them on the propriety - legal, ethical or otherwise - of this system. Shri Arvind Shah, of the Simplex Group, to begin with, denied that the majority of his workers were on contract. According to him 75% of the Simplex workers were permanent, while only 25% were 'floating workers'. In the words of Shri Vijay Gupta of the Beekay Engineering Company, his company maintained a 'basic structural work force' plus some contract labour. On the issue of relative proportion of the two categories in his company, Shri Gupta was non-comittal. Both Shri Shah and Shri Gupta tried to justify the system of maintaining contract or 'floating' workers by arguing that their industry was not of 'perennial' nature, since they worked only by getting work orders on a contractual

basis. While expressing this view, these highly successful industrialists, receiving international orders, did not tell the Committee that there was hardly any time when they did not have work orders. Indeed often there has been an over-load of orders in the factories. In fact, the advertisement of Simplex Engg. and Foundry Works Ltd. (Exhibit No. 3), unless a falsification, appears to signal great prosperity and success in this direction. Further, as far as the definition of 'perennial' work is concerned, as implied in the Act, the work does not become less 'perennial' just because it is received and planned in terms of work orders. The industrialists further told us that the contract system is their method of maintaining efficient and quality production, rather than being a system of exploitation. Irrespective of the attempts by the employers at rationalising their illegal practice of contract labour system, it was clear that their main objective was to circumvent legal requirements and thereby maximise profits at human cost.

4.7 Returning to Shri Arvind Shah's claim that 75% of the workers in the Simplex Group are permanent, we present below certain figures, supplied by the CMM, of the workers who were victimised by this Group in the period Sept.-Dec. 1990, for joining CMM-affiliated unions:

| Name of Simplex Group's Company | Total Workers | No. Victimised |
|--|----------------------|-----------------------|
| Simplex Udyog | 309 | 206 |
| Simplex Castings (Bhilai) | 550 | 414 |
| Simplex Castings (Urla) | 390 | 313 |
| Sangam Forgings | 35 | 31 |

Interestingly, the Simplex Group has also referred to these figures in their letter dated 12.12.91 to the Asst. Labour Commissioner (Raipur), in respect of the current conciliation talks with the CMM. If 75% of the workers were permanent, how did Shri. Shah manage to turn them out? (the workers' version of this dismissal would be dealt with in Sections 7.14 to 7.16 of the report.) In case a majority of them were permanent, it would have required the issuing of written notices and other legal proceedings before the factory gates could have been arbitrarily closed on them in 1990. In contrast, all that was required in this case was an oral declaration of their dismissal at the factory gate, that too, just by the Security Guard. No better evidence than the above-cited letter by Simplex would be required to prove the point that 80-90% of the workers at Simplex were contract workers. In their move to reject

the CMM demand that the victimised workers be taken back, the Simplex management has admitted in this letter how various categories of these workers had worked with contractors, thereby not making it obligatory for Simplex to re-instate them!

4.8 The industrialists also claimed that they paid the same wages and benefits to contract and regular workers, as per statutory requirements. We will discuss the question of wages at greater length in Section 6.0, but our own interviews with workers, leaders of several trade unions and lawyers presented a completely different picture - with many direct and indirect methods of discrimination being employed. Such a conclusion was also arrived at by the PUDR investigation carried out in March - April, 1991 and was corroborated by our findings (see Table 2, cited from the PUDR report).

TABLE 2 THE FRUITS OF UNDERPAYMENT

EXTRA PROFITS ACCRUING FROM NON PAYMENT OF MINIMUM WAGES

(In money and labour hours
per worker)

| | | | |
|----|------------------------------|---|-------------------------|
| 1. | Unskilled minimum wage | - | Rs. 21.80 |
| | Actually paid | - | Rs. 16.00 |
| | Daily difference | - | Rs. 5.80 |
| | Weekly difference | - | Rs. 34.80 |
| | Annual difference (46 weeks) | - | Rs. 1600.80 |
| 2. | Working day permissible | - | 8 hours |
| | Actually paid for | - | 5.86 hours |
| | Unpaid labour time | - | 2.14 hours |
| | Weekly unpaid labour time | - | 12.84 hours |
| | Annual unpaid labour time | - | 591 hours or 73.83 days |

(Contd.)

EXTRA PROFITS ACCRUING FROM UNPAID OVERTIME

| | | (In money and labour hours per worker) |
|----|--------------------------------------|---|
| 1. | Overtime to be paid per hour | - Rs. 2.73 |
| | Weekly profit from unpaid overtime | - Rs. 16.36 |
| | Annual profit from unpaid overtime | - Rs. 753.48 |
| 2. | Alternately, unpaid overtime per day | - One hour |
| | Weekly unpaid labour time | - 6 hours |
| | Annual unpaid labour time | - 276 hours or 34.5 days |

EXTRA PROFITS ACCUING FROM WAGES NOT BEING COMMENSURATE WITH SKILLS

| | | (In money and labour hours per worker) |
|----|----------------------------------|---|
| 1. | Wage difference not paid per day | - Rs. 3.50 |
| | Annual difference | - Rs. 966.00 |
| 2. | Work time not paid for per day | - 1.28 hours |
| | Annual unpaid labour time | - 354 hours or 44.23 days. |

(Source: Tall Chimneys Dark Shadows' PUDR, New Delhi, June 1991)

4.9 In conclusion then, as we sift through the statements and documents placed before the Committee on this issue, we conclude that:

i) Contrary to the claims of the Bhilai industrialists, the contract labour system appears to be widely prevalent as the dominant method of employing labour.

ii) It is being used as an illegal instrument to 'discipline' the workers, through both an actual and potential threat of dismissal. This 'discipline' is in turn operative both in suppressing dissent and in denying reasonable wages, allowances, benefits etc.

iii) Further, provisions of The Contract Labour (Regulation & Abolition) Act, 1970, are violated not only by illegal use of contract labour in 'permanent and perennial' work, but also by disregarding the guidelines regarding contract labour service conditions, examples of the latter being denial of service records, comparable wages, Provident Fund, Maternity, Casual and Medical Leave, other facilities (e.g. creche, canteens, toilets) etc.

5.0 INDUSTRIAL SAFETY

The second demand that the workers have raised relates to provision of safe and healthy conditions at work - namely that

the management should provide safety equipment, ensure use of safe production processes, regular safety checks, guards on machinery, etc. The management instead claimed that this is a bogey being raised by the workers, since the workplace is completely safe, and has even been given a clean chit by the Factory Inspector. We investigated the claims and counter-claims regarding industrial safety in some depth and present one illustrative case study.

5.1 During our detailed interview with the workers of Chhattisgarh Distilleries in Kunhari (Dist. Durg), they described the shocking conditions of work inside the factory and the frequent occurrence of a variety of accidents. The workers described the following conditions that endanger their safety in the factory:

i) Broken glass pieces from the old liquor bottles are scattered all over the floor and corridors/pathways. Feet, hands and arms are frequently injured by broken glass while the workers wash the bottles in water-filled tanks.

ii) As the workers are required to stand knee-deep or even waist-deep in water tanks containing acid or other strong cleansing chemicals for washing bottles, for 6 to 8 hours at a stretch, they invariably develop skin diseases ("*teen din mein ghav ho jata hai*"). These last for months despite treatment. It was reported that the skin problem had acquired almost

epidemic proportions in the surrounding villages where the workers live. No protective chemical or oil, or gloves are provided to the workers. (Bharat Yadav, age 23, who was dismissed from his job in the Washing Unit on 16.4.91, showed us his heavily affected feet and hands, though he had spent several hundreds of rupees on treatment since his dismissal).

iii) Burning coal from the boilers often fell on the limbs, causing severe burns.

iv) Workers have to carry 50-60 kg bottles of strong acid with the aid of sticks, up the stair-cases. Acid burns are common among these workers.

v) Workers are required to cross over tanks of hot water or molasses, tiptoeing over wooden beams. An incident of a woman falling into the molasses tank was told to us.

vi) Injurious gases ("white fume-like") emerge from the molasses tanks undergoing fermentation.

vii) Cases of severe injuries due to electrocution during electrical repair and maintenance work are common.

viii) Skin diseases also result from being required to work in huge open tanks outside the factory, where highly polluted effluent from the factory is stored. Workers have to wade through these tanks in order to manually build bunds, drains etc.

5.2 The situation is worsened by the absence of any doctor on the factory premises. The workers claim that the management has engaged a doctor (one 'Chandrakar doctor'), in Kumhari village, which is about one km from the factory. This doctor is under instructions from the management to provide treatment to the workers sent to him with a 'parchi', upto a cost of Rs.10/- only ('*dus rupaiya ka ilaj*'). This 'official medical facility' hardly helps anyone, as 'Chandrakar Doctor' reaches the Rs.10/- limit before even bandaging a wound. Almost every worker we talked to told us of the heavy expenditure incurred by him/her after being injured in the factory. Being contract workers, holding neither appointment letters nor identity cards, they have no right to claim any better medical facility. There was also no provision, we were told, for any leave whatsoever, medical, maternal or casual. Even if a worker had worked for 5 years, she/he would have to lose wages on taking leave on account of sickness or rest for medical reasons.

5.3 The workers further complained that there were no proper toilet facilities inside the factory, causing tremendous strain during work. When it became absolutely necessary, they had to seek permission to go out of the factory premises to distant fields to relieve themselves. Such requests were invariably viewed with suspicion, as excuses to avoid work, and were granted only after abusive comments, which were particularly offensive to women. It is obvious that denial of such basic facilities,

besides being violative of legal provisions, greatly increases the risk of industrial accidents.

5.4 When we reported all this to the top management personnel of Kedia Group of Distilleries, including Dr. Shivendra Srivastava, the Executive Director of Chhattisgarh Distilleries, Kumhari, they ridiculed this, claiming that the workers had managed to mislead us, as they were apt to. They denied all the above allegations made by the workers and assured us that safe working conditions were strictly implemented. In any case, they argued, none of these problems could be reason enough for creating industrial unrest! How significant these allegations were became evident only when we later visited the factory (Read Below).

"Do you not have water tanks in which the workers have to stand knee-deep or waist-deep for several hours at a stretch, while washing old liquor bottles?", we asked the topmost managers of Chhattisgarh Distilleries. They insisted that this was quite ridiculous and asked us to visit the factory and find out how the workers make false allegations against the management to suit their ulterior motives. "And what about that Rs.10/- limit placed on the treatment by 'Chandrakar Doctor'?" They responded by informing us that the management spends tens of thousands of rupees every year on the medical bills of the workers.

The Committee accepted the challenge. We visited the Chhattisgarh Distilleries and spent almost four hours trying to get at the truth. Dr. Shivendra Srivastava, Executive Director, and Shri B.L.Banka, Director, personally escorted us to a certain portion of the factory where old bottles were being washed in a manner that did not necessitate for the workers to enter the tanks; some workers were sitting on platforms next to the tanks and washing, though without any gloves or other precautionary measures. The tanks, covered with neat white tiles, were hardly 1 to 1-1/4 feet deep. No deeper tanks were to be seen anywhere around. Dr. Srivastava confidently claimed that he had managed to 'expose the falsehoods' perpetuated by the workers laid off by the factory. We then requested him to summon five of the workers from the Washing Unit, who were members of the Chhattisgarh Chemical Mills Mazdoor Sangh, a CMM-affiliated union. A list of names was given to him. Those workers were called, although reluctantly. We asked the workers to show us the unhygienic toilets and the knee-deep/waist-deep tanks which the workers had to enter to wash the bottles. The workers promptly guided us to an entirely different portion of the factory, in presence of

Dr. Srivastava, Shri Banka and several Floor Superintendents. Indeed, there were those tanks, a whole series of them—this time, without neat white tiles. A large number of workers were standing in these tanks, with water containing cleansing chemicals rising up to their thighs or even waists!

The floors of all the tanks and, for that matter, the entire factory floor (as well as the open yard leading to this portion), were littered with broken glass, endangering all those who worked there. A number of wounded workers, with bandaged limbs, came forward to show their injuries caused by broken glass. A young worker got wounded while we were there and showed us his bleeding finger. The wounded workers re-iterated that there was no medical leave and that they were forced to work in the tanks with their injuries, as they could not afford to miss their daily wages. They also confirmed the experience of others with the private doctor at Kumhari.

We were then shown two utterly unhygienic, stinking toilets, lacking light (it was late in the evening) and running water, with heaps of glass at the entrance. These two toilets were supposed to be 'ade-

quate' for about 400 workers engaged in each shift. This was in violation of The Contract Labour Act, which mandates one toilet for 25 workers, separate for men and women (Section 51). It was clear that the toilets were not intended for use.

A worker also pointed out how the saris of women workers would often get caught in the rotating, giant-sized motor-driven bottle brushes, and pulled them down onto the floor, where the broken glass caused injury to them. The young Union activist, in a constructive spirit, even suggested to Dr. Srivastava the design of a safety guard for this to prevent such accidents.

All these revelations were made in presence of Dr. Srivastava and Shri Banka, who were quite nonplussed. All that they could say meekly was that they had never received any of these complaints, as this unit was under a contractor. This face-saving comment alone spoke volumes about the unsafe working conditions in the factory and the flagrant violation of several legal provisions concerning contract labour. As principal employer, the Kedia management is required by The Contract Labour Act to ensure that the contractors implement all safety laws.

5.5 What we have described above, about the poor state of industrial safety in the factory of the Kedia Group, applies broadly to almost all the factories in the Bhilai industrial belt. Such is the condition despite the fact that the Kedia Group, by their own admission, bottle some of the largest-selling brands of liquor, such as for groups like Mohan Meakin, (Solan H.P.), Khoday (Bangalore), Yezdi (Mysore) and Mc Dowell (Madras).

5.6 Many instances of individual accidents involving partial or complete disability were reported to the Committee. These included a gruesome account of Rajkumar, a worker of Simplex Engg & Foundry Works II, now rendered immobile because his legs were crushed in a machine.

5.7 How fragile must be the state of industrial safety in the various factories of Bhilai, Urla and Tedesara can be judged from the cases of deaths due to industrial accidents, as recorded by us in Table 3. We compiled these cases from our interviews with diverse sections of people whom we met during this short visit. We were told of many other cases of deaths and severe injuries resulting from accidents at the worksite, but they have not been included in this list, as there was no time to cross-check the details. The industrialists or the Divisional Commissioner (Raipur) were not of much help in this research, as they consistently denied the existence of such events.

TABLE 3
LIST OF WORKERS WHO DIED IN INDUSTRIAL ACCIDENTS

| S.No. | Name | Date | Industry | Description |
|--------------|------------------------------------|-------------|------------------------|---|
| 1. | Babulal | 1988 | B.E.C. | Was tightening bolts for the crane in the shed, fell down and died. |
| 2. | Ravindra Prasad | 1988 | Contractor B.V. Rao | Was working as planer operator in the machine shop, was forced to work over-time, fell on the machine and died. |
| 3. | Nand Kumar | 1989 | N.A. | Hook of the tractor trolley broke, died as the trolley over-turned on top of him. |
| 4. | Para Singh | 25.1.90 | Simplex, Urla | Working as filter helper, had opened the lid of the machine in the sand-plant and was repairing it, the contractor started the machine and he died. |
| 5. | Radhe Shyam | 23.3.90 | A.C.C. | Worked as helper, died in an accident, the management tried to put the corpse in the furnace, fellow workers came to know as the conveyor belt stopped. |
| 6. | Two workers belonging to Ghaziabad | 16.5.90 | Simplex, Urla | Were dismantling a bomb to separate copper and brass; there was an explosion and both died. |
| 7. | Daya Ram | 28.6.90 | B.E.C. Vishwa Vishal | Was forced to work on erecting the fringing crane, got an electric shock due to lack of safety devices, fell and died. |
| 8. | Ramesh Kumar (Engineer) | 4.10.90 | Simplex Engg., Bhilai | Died in an explosion in the furnace. |
| 9. | Daya Ram | 6.11.90 | B.E.C. Unit-I | Was supply mazdoor, had been working for only 3 months. Was putting sand in the conveyor belt of the Beco Sand Plant and died in an accident. No fellow workers were present. |

(Contd.)

| | | | |
|-------------------------|---------|---------------------------------------|---|
| 10. Raj Kumar | 5.2.91 | Raipur Steel Remoulding Factory, Urla | Died due to explosion of hot slag. |
| 11. Kodaiya | 5.2.91 | Raipur Steel Remoulding Factory, Urla | Died due to explosion of hot slag |
| 12. Mrinal Kranti Singh | 8.2.91 | B.R.P. | Was made to work on a defective machine and died due to an accident while working on it. |
| 13. Santosh Kumar | 27.3.91 | Simplex Engg. and Foundry Unit-II | Unskilled worker was made to do skilled work of rigger. Hook of the crane broke, got crushed under the plate. |
| 14. Bisai Ram | 27.3.91 | Simplex Engg. and Foundry Unit-II | Unskilled worker was made to do skilled work of rigger. Hook of the crane broke, got crushed under the plate. |

5.8 What factors contribute towards industrial accidents? Based upon our interviews with the workers, we have been able to identify the following direct and indirect factors which increase the probability of an accident in the workplace.

Direct Factors:

- i) The production process, including the plant design and/or the work practices, has inherent hazardous components.
- ii) Lack of safety guards for mobile, sharp or exposed machine parts.
- iii) Violation of prescribed safety procedures for operating various machines or processes; continued use of worn-out machines or poorly main-

tained machines. All the workers specifically questioned by us testified that the tendency to ignore the prescribed safety procedures and norms was particularly pronounced whenever the management had crash orders.

iv) Lack of safety equipment for the workers, such as exhaust fans, masks, gloves, shoes, helmets, goggles, protective oils and chemicals, etc.

v) Practice of forcing unskilled workers to undertake jobs which require specialised skills or training. An important reason for this would be to reduce the wage bill, as shown in Table 2.

vi) Lack of regular safety drills within and outside the factory.

vii) Lack of adequate first aid facility, fire extinguishers, specific and general antidotes for chemical poisons, and of course full-fledged medical facility on the factory premises.

viii) Lack of regular health surveys of workers and the neighbouring communities.

ix) Lack of information about the plant design, safety requirements and crisis plans for disasters, with the workers, supervisors and the official monitoring agencies (the Bhopal catastrophe showed how crucial it was to make all such information available for public scrutiny).

x) Lack of alert, adequately equipped and scientifically knowledgeable official monitoring agencies.

Indirect factors:

i) Practice of forcing workers to work beyond 8 hours, which increases accident risks.

ii) Lack of proper rest rooms, canteens and dining room facilities within factory premises.

iii) Lack of proper rest periods, holidays, leave and other mandatory benefits.

5.9 Lacking even an identity card as an employee of the factory, the hapless contract worker is forced to choose between higher risk rate in the workplace or hunger outside it. Invariably the former is the preferred alternative. Despite claims

by the industrialists to the contrary, the frequency of accidents is proof enough of unsafe practices that are clearly violative of The Factory Act. We would now provide some more illustrations of such violations of legal provisions concerning workers' safety in workplaces and related matters like payment of compensation.

5.10 The case of Mohan Bharati is particularly revealing (see italic text). This case has been unfolded by us on the basis of a detailed interview with Mohan Bharati himself and the correspondence he exchanged with his employers and the Asst. Labour Commissioner's office at Raipur. It forcefully conveys not only the callousness of the management towards safety procedures and accidents, but also the ineffective, if not outright partisan, role played by the Government redressal agencies in fixing responsibility for accidents and payment of compensation in case of contract labour.

Mohan Bharati, age 24, worked as a contract 'supply' worker, through a contractor, for Rajesh Strips Ltd. (also Rajesh Rolling Mills), Urla. On 2.9.91 he was asked by the supervisor to grease the shearing machine. While he was still doing this, the machine operator switched on the machine, resulting in crushing of four fingers of Bharati's right hand. All the four fingers had to be amputated. He lodged a complaint with SP (Raipur), and made representations to his contractor (28.9.91) and the Asst. Labour Commissioner

(14.10.91). regarding fixing of responsibility and compensation. Copies of the representation were also sent to the Collector (Raipur) and Dy. Director, Industrial Health and Safety, Raipur. The contractor, supervisor and management contended that he had worked on the machine without authorisation or intimation, which Mohan Bharati refuted forcefully (1.11.91). He was then asked by the Asst. Labour Commissioner to go to the factory for resuming duty (15.10.91). However, he was not allowed to do so by the management (4.11.91). The Asst. Labour Commissioner watched all this helplessly.

On 11.12.91, this sordid story came to a dramatic end, when under threats of dire consequences, Bharati was forced to affix his thumb on a typed page, the contents of which he was unable to read, because of his illiterate condition. A part of the typed matter, witnessed by the Labour Inspector, Shri G.P. Yadav, if translated from Hindi would shockingly read, "While working in the factory, due to my own mistake, I had an accident. I withdraw the applications I had earlier sent to the Labour Department and other Government departments in this connection. I do not wish to pursue the matter, or to file any claims" As if this was not enough, the contents of the page go on to declare, "I further

assure you that I do not hold any membership in CMM; nor would any office bearer or member of CMM would have any right to take any steps or file claims in this matter concerning me."!!

5.11 A letter dated 9.5.91, from PESS to the Deputy Director, Industrial Health & Safety, Durg, records cases from Bhilai Wires Ltd., wherein workers trained on one process/machine were forced to work at another for which they lacked training. For instance, Shri Nand Kumar, a crane helper, was forced to operate the crane. When he protested, which was entirely within his legal rights, the management threatened to mark him absent or to throw him out of the job. Shri Agarhit, working as a furnace operator for 16 years, was asked to operate the crane. He too was threatened with dire consequences if he refused. The PESS letter pointed to the possibility of occurrence of an accident if the management was not stopped. Neither the concerned Deputy Director nor the Collector, Durg, or the Asst. Labour Commissioner, Raipur, who were also sent copies of the said letter, took any appropriate action on this important matter. Or, may be, the safety of cheap Chhattisgarhi contract labour, was not such an important matter after all !

5.12 In times of strikes by workers, the management-contractor combine would be inclined to adopt the practice of forcing unskilled labour to undertake skilled jobs, in order to maintain production targets.

We were given several accounts of the recruitment of hundreds of unskilled workers, often directly from the villages, by the Bhilai industries during the current period of the workers' agitation. This should be achieved only with the aid of a local unit of AITUC. The 2500-odd workers, who are not being allowed to resume work in these factories for almost 16 months, as would be shown in Section 7.0 of this report, include a fairly large number of skilled workers. The hundreds of unskilled workers who have been recruited in place of these dismissed skilled workers are evidently exposed to potentially high risk to their bodies. The uncanny parallels between what happened at Union Carbide, Bhopal, in 1984, and what may be happening at present in the Bhilai factories are too obvious to need any elaboration. Have we learnt any lessons at all from Bhopal?

6.0 WAGES

6.1 The other demand of the workers is ultimately for a living wage, mediated in the interim by a negotiated wage. The logic behind this demand was described vividly to us by Sudama Prasad, a dismissed worker of Simplex Engg. & Foundry Works Unit II. "The work for which a BSP or an ACC worker is paid Rs. 3-4000, is done by us for Rs.600-900. However, we buy things from the same market which they dominate. Are things any cheaper for us? Can we sustain our families with this wage? A living wage means one by which we can sustain our families!" Minimum monthly wages of Rs. 1350 (basic) for an unskilled

worker, Rs. 1500 (basic) for a skilled worker, and Rs. 1700 (basic) for a skilled worker with specialisation, apart from the prescribed allowances, are being demanded by the CMM-affiliated unions, as shown in Annexure VI (The M.P. minimum wage for unskilled worker would amount to about Rs. 700 per month; the minimum wages prescribed by the Engineering Wage Board and Steel Wage Board are Rs.1125 and Rs.2400 respectively).

6.2 The industrialists responded to this in three ways:

i) By claiming that they already pay wages over the Engg. Board recommendations. Shri Vijay Gupta, Director, Beekay Engg., claimed that his company paid a minimum wage of Rs.1800 per month to all workers; while Shri B.R. Jain, Chairman, Bhilai Engg. Corporation said that his workers were paid Rs.925 (basic) plus all allowances. Shri Arvind Shah's claim was that the Simplex Group was paying Rs.1125 (Rs.900 plus V.D.A.) to unskilled workers, and as high as Rs.1400 to Rs.3000 to skilled workers.

ii) By claiming that they pay the Engg. Wage Board levels, and do not have the resource capacity to pay more. Shri Shah particularly emphasised this.

iii) By dismissing the workers' demand, i.e. by describing it as being higher than the BSP wages. Shri Gupta, for instance, told us that the CMM-unions are demanding Rs. 5000 a month, while Shri Shah put this at Rs. 2400.

6.3 Several sources reported that before the CMM-led unionisation started in the Bhilai region, most of the industries, small or big, were paying their workers less than what was prescribed even by The Minimum Wages Act, 1948. According to a

survey conducted by PESS around mid-1990, the minimum wages paid by 17 out of 29 industries ranged from Rs. 10 to Rs. 18 per day, all lower than the prescribed minimum wages (see Table 4).

TABLE 4

**MAXIMUM AND MINIMUM WAGES PRIOR TO UNIONISATION BY
CHHATTISGARH MUKTI MORCHA**

| S. No. | Industry | Minimum Wage (Rs./mo.) | Maximum Wage (Rs./mo.) |
|--------|--|---------------------------|---------------------------|
| 1. | Simplex Casting Ltd. | 550.00 | 1000.00 |
| 2. | Simplex Udyog Ltd. | 550.00 | 1200.00 |
| 3. | Simplex Engineering Ltd. | 550.00 | 1200.00 |
| 4. | Simplex Steel Casting Ltd. Urla | 525.00 | 1100.00 |
| 5. | Simplex Engineering Unit-III, Tedesara | 400.00 | 912.00 |
| 6. | Bhilai Engineering Corporation-I | 525.00 | N.A. |
| 7. | Bhilai Engineering Corporation-II | 525.00 | 1002.00 |
| 8. | Bhilai Engineering Corporation | 525.00 | 1002.00 |
| 9. | Vishwa Vishal Ltd. | 546.00 | 1040.00 |
| 10. | Beekay Engineering Corporation | 540.00 | 1200.00 |
| 11. | Beekay Engineering Casting Pvt. Ltd. | 540.00 | 1100.00 |
| 12. | B.K. Surgical Pvt. Ltd. | 450.00 | 667.00 |

(Contd.)

| | | | |
|-----|-------------------------------------|--------|---------|
| 13. | Bhilai Wires Ltd. | 525.00 | 1000.00 |
| 14. | Nagpur Engineering Pvt. Ltd. | 300.00 | 587.50 |
| 15. | Jaiswal Industry Pvt. Ltd. | 300.00 | 550.00 |
| 16. | General Fabrications Pvt. Ltd. | 350.00 | 700.00 |
| 17. | Punj Star Pvt. Ltd. | 487.00 | 750.00 |
| 18. | Gyan Re-Rolling Mill Pvt. Ltd. | 300.00 | 500.00 |
| 19. | Rana Udyog Pvt. Ltd. | 350.00 | 928.00 |
| 20. | Vishal Engineering Pvt. Ltd. | 350.00 | 818.00 |
| 21. | Techno Instruments Pvt. Ltd. | 350.00 | 928.00 |
| 22. | B. Tex Pvt. Ltd. | 350.00 | 818.00 |
| 23. | R.K. Industries Pvt. Ltd. | 300.00 | 500.00 |
| 24. | Tek Steel Re-Rolling Mill | 300.00 | 500.00 |
| 25. | Kedia Distilleries Pvt. Ltd. | 375.00 | 1200.00 |
| 26. | Chhattisgarh Distilleries Pvt. Ltd. | 450.00 | 1800.00 |
| 27. | Golcha Chemicals Pvt. Ltd. | 350.00 | 800.00 |
| 28. | Bhilai Auxillary | 500.00 | 800.00 |
| 29. | Maheshwari Industries | 325.00 | 800.00 |

The minimum wage paid by the remaining 12 was barely above the minimum. Even the maximum wages paid by these industries were nothing to write home about, with most of them restricting their highest

wage between Rs.500 per month (Gyan Re-Rolling Mills, R.K.Industries) and Rs.1200 per month (Simplex Group, Beekay Engg. Co., Kedia Distilleries). The highest wage level in these industries does not camouflage

the low wages paid to the majority of the workers. This is clearly brought out in another survey conducted by PESS, extracts of which are presented in Table 5.

TABLE 5

WAGES BEING PAID TO SKILLED WORKERS IN NOVEMBER 1990

1. SIMPLEX CASTING Ltd. BHILAI

| Monthly wage (Rs.) | No. of workers |
|--------------------|----------------|
| 350 + 25 | 10 |
| 500 + 25 | 110 |
| 640 | 50 |
| 740 | 72 |
| 840 | 93 |
| 900 | 40 |
| 1000 | 12 |
| 1100 | 10 |
| | <hr/> |
| | 397 |
| | <hr/> |

Average wage - Rs. 706/-

Cycle Allowance - Rs. 15/- per month

(paid only to 159 workers, rest of the 238 workers not paid)

House Rent Allowance - Rs. 30/- per month

(paid only to 159 workers, rest of the 238 workers not paid this allowance).

(Contd.)

2. BHILAI WIRES Ltd., Bhilai

| Monthly wage (Rs.) | No. of workers |
|--------------------|----------------|
| 525 | 46 |
| 550 | 60 |
| 725 | 2 |
| 825 | 19 |
| 875 | 84 |
| 925 | 28 |
| 975 | 88 |
| 1025 | 8 |
| 1125 | 4 |
| 1175 | 2 |
| 1425 | 3 |
| 1475 | 1 |
| | <hr/> |
| | 345 |
| | <hr/> |

Average wage - Rs. 850/-

148 Casual and Contract Workers are not being given Cycle Allowance, House Rent Allowance and C.P.F.

(Contd.)

3. GENERAL FABRICATORS

| Monthly wage (Rs.) | No. of workers |
|--------------------|----------------|
| 300 | 9 |
| 400 | 33 |
| 525 | 17 |
| 625 | 9 |
| 700 | 3 |
| | <hr/> |
| | 61 |
| | <hr/> |

Average wage - Rs. 458/-

Only 13 workers get C.P.F.

Cycle Allowance, House Rent Allowance or any other benefit not provided to any worker.

4. MAHESHWARI INDUSTRIES

| Monthly wage (Rs.) | | No. of workers |
|--------------------|----------------|----------------|
| 325 | (13/- per day) | 10 |
| 350 | (14/- per day) | 4 |
| 375 | (15/- per day) | 15 |
| 450 | (18/- per day) | 20 |
| 600 | (24/- per day) | 15 |
| 725 | (29/- per day) | 6 |
| 800 | (32/- per day) | 2 |
| 1025 | (43/- per day) | 1 |
| | | <hr/> |
| | | 73 |
| | | <hr/> |

Average Wage - Rs. 482/-

Cycle Allowance, House Rent Allowance or any other benefit not provided to any worker.

At Simplex Castings Ltd., Bhilai, the average wage of the workers before unionisation was only Rs.706 per month, thereby contradicting the industrialists' claim, in a press conference held in November '90, that the workers were getting a minimum of Rs.1000-2000 (see Annexure VII a). In the smaller industries (General Fabricators, Maheshwari Industries) the average wages were as meagre as Rs.450-500 per month. Since these wages are computed as daily wages, the actual amount that the worker may carry home is likely to be even lower, depending upon the number of days he/she is given work.

6.4 Highly skilled workers were also being paid abysmally low wages, and three examples from the Simplex Group will suffice. At the time of their dismissal in November 1990, N.K.Verma, who was a machinist and had been working for 11 years, earned only Rs.900 per month. Sudama Prasad, a fitter, had been working for 6 years and earned Rs.750 per month. Bharat Bhushan Pande, who worked on the Boring machine, had been employed for 3 years and earned Rs.1000 per month.

6.5 Shri Arvind Shah of the Simplex Group claimed before the Committee that all workers in his factories received the same wages and other benefits, irrespective of whether they were on the payroll of the Company, or in the register of the contractor. This claim does not appear to be true, as shown in Table 5. Only 40% of the Simplex workers (and 43% of workers of Bhilai Wires) received cycle allowance of

Rs.15 per month and HRA of Rs.30 per month. Assuming that the Simplex Group and Bhilai Wires paid their regular workers their usual allowances, the non-payment of these allowances to all contract workers was in clear violation of The Contract Labour Act, which prescribed parity in such matters between the regular and contract workers who perform same or similar kind of work in an establishment. The smaller industries, e.g. General Fabricators and Maheshwari Industries, got away without paying any allowances or giving other benefits to their contract workers. In support of our contention, we also present here a sample of the computerised wage sheet of Simplex Castings Ltd., of July '89, which not only underlines the then prevailing low wage levels, but also brings out the lack of other allowances and benefits for the contract workers (see Exhibit No. 4).

6.6 Further, the claims by the industrialists regarding wages paid to the workers are contradicted by the settlements they have arrived at with another union (a local unit claiming affiliation with AITUC) in the recent past; they are negotiating to pay today what they insisted had been paid all along, over the past four years! Incidentally, workers claim that the agreement arrived at by Simplex in April'91 with this other union has not yet been implemented. This, however, seems not uncommon. A labour lawyer at Bhilai showed us an award of the Durg Industrial Court against Simplex, Beekay, BEC and Bhilai Wires Groups, on the petition of an AITUC union, as far

back as in 1985, ruling for substantial wage revision as per the Engg. Wage Board recommendations. We were informed that the Simplex Group had obtained a stay against this in the High Court, while claiming before the Committee that it was already paying as per Engg. Board recommendations !

6.7 A large number of workers interviewed reported that, after unionisation, many companies have started paying the M.P. minimum wages i.e. Rs 26.40 per day. If anything, this underlines further the necessity for the workers to organise, to be provided even the minimum statutory dues.

6.8 Additionally, the question about 'ability to pay' needs to be addressed seriously. Firstly, given the financial statements and advertisements of the industrial houses, they do not seem to be in grip of a financial crisis that prevents payment according to the recommendations of the Wage Boards. Secondly, four of these houses, Simplex, Beekay, BEC, and Bhilai Wires, are primarily dependent on the Bhilai Steel Plant for orders or raw material. BSP and other public sector plants could and, in fact, should ensure that the companies they contract out to, follow the statutory provisions. These companies are reported to be receiving a lot of raw material from BSP at subsidised rates and encouragement through many concessions from the State Govt. All this support to these companies out of public exchequer places a moral responsibility as well on these companies to be fair to their workers. Particu-

larly, since the phenomenal growth of the assets of these companies over the past 25 years is an established fact. Thirdly, and perhaps most important : if it is really the case that these industries are not in a position to pay the minimum recommended wages, then should they be allowed to continue production at all? Particularly when the workers claim that they would be able to run these industries through workers' co-operatives quite well even after paying substantially higher wages!

6.9 The amount of money accruing to the industrialists over and above the legal profits, by violation of the labour laws comes to a staggering figure. A conservative estimate of this, as computed in the PUDR Report (June 1991), 'Tall Chimneys Dark Shadows', would be approximately Rs.47,32,710/- per annum for the Simplex Group. We note here also that the illegal profits accruing from non-payment of Provident Fund, and non-provision of medical facilities and casual, medical and maternity leave, have not been included in this calculation (see Table 2).

7.0 THE INDUSTRIAL DISPUTE

7.1 When the Committee visited Bhilai, talks between representatives of the five industrial houses and the leaders of the PESS and CCMMS had been initiated in Indore, more than a year after their demand charters, routed through the Asst. Labour Commissioner (Raipur) had been submitted. The nine-point demand charters dated 15.10.90, countersigned by the ALC's office on 13.11.90, included demands

such as abolition of the illegal contract system i.e. regularisation; issuing of proof of employment with terms of service, wage-slips, PF-slips, etc; medical, casual and festival leave; house rent and cycle allowances; safe working conditions and proper safety equipment; medical facility at the BSP hospital; eight-hour working day, etc. (see Annexure VI for a sample charter of demands).

However, according to Shri N.R.Ghoshal, Organising Secretary of the PESS, the terms of the Indore discussion were primarily the re-instatement of the victimised workers, with full benefits.

7.2 Since this dispute is at the root of the industrial unrest, we questioned the industrialists/their representatives in considerable detail on their view-point regarding its resolution.

7.3 Shri Vijay Gupta, Director, Beekay Engg. Co., denied the very basis of the demands by claiming that: (i) His company implemented all labour laws; (ii) All of his 600 workers were permanent; (iii) Contract labour had same and similar benefits as regular workers; and (iv) Minimum wages paid were Rs. 1800/- per month.

He claimed that 'they have some demand regarding which there was a meeting in Indore'. He, however, could not recall this demand. He further said he could not understand what the PESS meant by a 'living wage', since even if people were paid Rs.40 per day it would be less'.

Regarding victimised workers he said 'we

had punished some workers one and a half years back; they claim we have victimised them'.

When asked how industrial peace could be established, he said 'the demands are not that much, but these people have been asking for Rs.5000/- per month'.

7.4 Shri B.R.Jain, Chairman, Bhilai Engg. Corpn. (BEC), claimed that contract labour was only nominally used by his company, and had all facilities as the permanent workers. Despite the fact that no item was made by BEC for more than two or three years, he admitted that it was rare that order shortages occurred and work was more or less permanent. All his units, he insisted, were implementing 'government wages' (Rs. 925+all allowances per month).

He was quick to clarify that 'we must talk with whichever union is there' and suggested that all managements, unions and local administrators must sit together and solve the dispute.

7.5 Dr. Shivendra Srivastava, Executive Director, Chhattisgarh Distilleries Ltd., completely denied victimisation on the grounds that, had they victimised all Niyogi supporters, they would have had to shut down their factory, as most of the workers would belong to that category. Besides, he claimed that, even after Shri Kedia had settled with Shri Niyogi to take workers back after an incident around Diwali (1990), the workers had not returned to work.

Regarding workers' grievances, he said that people joined Niyogi because of his image and 'as for grievances, nowadays everyone has some problems, so do I!' Regarding absence of various facilities, his comment was 'maybe some supervisor stops the workers when they are taking a bottle or two, or something like that. In this day and age is it possible that we do not have toilets?' Since the Kedia Group's work was not permanent ('we get bottling orders'), he said permanency of workers was out of question.

He said that the Kedia management could not understand the demands of the workers and therefore could not negotiate. Besides, these demands were already fulfilled through a settlement with another union (the one which claimed affiliation with AITUC). He claimed that even at Indore, the CMM had no concrete demands and were not in a mood to negotiate.

Alleging indiscipline, he said that workers had begun stopping work for trifling reasons. 'Once the police and workers clashed, so they stopped work'. (Possibly he was referring to the incident of 25th June, '91, which is described in Section 9.2).

7.6 Shri Arvind Shah also informed us that the Simplex Group had entered into an agreement with an AITUC union eight months prior to our investigation, to pay workers Rs.900/- (basic) + VDA = Rs.1125/- per month, as well as 20% bonus. He also gave an impression of fairly high wages being paid to skilled workers such as machinists ('Rs.1400/- to 3000/-'). He

said that the dispute would not have arisen had the demands been for Rs. 1400/- instead of Rs. 2400/-. He also said that Simplex did not have the capacity to pay the wages demanded by PESS.

Shri Shah claimed that the 25% workers who were 'floating' (as opposed to permanent) had the same wages and benefits as regular workers.

Regarding the dispute Shri Shah told us that 'the workers had a tool-down strike within ten days of submitting the charter of demands and from the second or third day they stayed out, refused to respond to notices and never came back. The Labour Court has declared this an illegal strike'. The Committee subsequently verified the latter point and was informed that this case is being heard in a higher court, on appeal by the PESS.

Shri Shah claimed that 60-70% of the workers wanted to come back, but they were being stopped. 'Our people fold their hands and come in groups, they do not hit anyone..... There is no hatred..... There is no great unrest'.

7.7 The general impression conveyed to us by the industrialists was that (i) no demands had been raised; (ii) if raised at all, these demands were irrelevant, since they had already been fulfilled; (iii) demands had been settled with another union—a local AITUC union; (iv) no victimisation ever took place; (v) indiscipline, violence and obstruction to loyal workers was alleged. Although the industrialists expressed their readiness to resolve the

dispute, this is belied by their attitude and actions.

7.8 This attitude of non-resolution and, at a more fundamental level, denying the very right of formation of a trade union of the workers' choice, and the unwillingness to negotiate with such a union, is betrayed by Shri B.R.Jain's press statement of 29.11.90, in his capacity as President of the Bhilai Industries Association. In this he claimed that 'a workers' leader from Rajhara has created an atmosphere of terror and unrest.....The industrialists believe in talking only to recognised unions.....Hence they will not have any kind of settlement with this so-called worker-leader'. (see Annexure VII a). Shri B.R. Jain, however, contradicted himself and praised Niyogi's constructive contribution to the labour movement in a statement issued soon after the latter's assassination (see Annexure VII b).

7.9 Similarly, in a press conference of 26.12.90 the President of the Simplex Group of Industries, Shri Hirabhai Shah, claimed that 'In the name of workers' movement, Shankar Guha Niyogi wants to establish an undisputed sway and neither does Simplex need a workers' union! He had also revealed, quite in contradiction to Shri Arvind Shah's tone, that the Simplex Group had considerable assets and was then planning a mini-blast furnace-cum-converter, at an estimated investment of Rs. 220 crores.

7.10 The same attitude is evident in that the Simplex management failed to

appear when summoned for conciliation by the Govt. Labour Officer on five separate occasions, in respect of, both its Tedesera and Bhilai units (see Exhibit No. 5). The same was true of Bhilai Wires for the Record Notes of Discussions of one out of these meetings as a sample, (i.e. on 8.11.91).

7.11 We have been later informed that on 2.12.91, following the Indore talks, identical letters were despatched by all five industrial houses to the A.L.C., claiming that owing to 'the hatred and vilification campaign against the five industrialists, tarnishing them as murderers of late Shri Niyogi..... (which) has not only lowered the prestige and social status of these industrialists', but also started very adversely affecting market and orders'; the situation had deteriorated to such an extent that 'due to bad and inadequate order position, retrenchment of workers may become imperative in very near future, not to speak of adjusting more manpower'. This appears to be a veiled threat to pressurise the CMM not to pursue the investigation of Shri Niyogi's murder.

7.12 Even more revealing is the response (dt. 12.12.91) of the Simplex Group to the A.L.C on the question of re-instatement of 203 workers of Simplex Engg. & Foundry Works, Unit II (similar response has been given by the Simplex Group concerning the victimised workers of its other units as well).

In this response, apart from the ten workers claimed to be back at work, the management has disposed off the case of the

remaining in the following manner: (remarks in parentheses indicate the view of the PESS).

50 workers 'never on our rolls or on the rolls of our contractors, and as such no details are available' (For all these, the PESS has provided a detailed table, with the contractor's name, job and period of service).

2 workers 'have taken full and final payment and left their job' (They continue to be agitating and deny this).

7 workers dismissed on specific charges'. (Almost all these workers are leaders who state that termination orders have come after the recent conciliation proceedings began).

2 workers 'served with notices'. (Have not received any notices).

15 workers are those against whom FIRs have been lodged'. (Mostly cases of Sections 151, 107, 116, used as described in Sections 9.4 & 9.5).

5 workers 'are on illegal strike..... declared illegal by the order of Hon'ble Labour Court, at Durg'. (Appeal is being heard).

90 workers 'have abandoned their lien of service with respective contractors' (Denied).

22 workers 'belong to contractors who have closed their work and left'. (Workers have not been formally retrenched. In any case, the responsibility is of the principal employer).

7.13 Similar lists appear to have been submitted by other managements too. CMM leaders recently informed the Committee that the Kedia Distilleries has claimed to have a mere 39 employees on its payroll. This appears extremely surprising since Dr. Srivastava had given the Committee to understand that, prior to the strike, 450 workers had been employed by Chhattisgarh Distilleries alone.

7.14 The question of victimisation is a fundamental one, not only because the number of victimised workers is fairly large (the figures of such workers of various companies, submitted to the A.L.C, Raipur by the CMM is shown in Table 6, and add upto over 3000). But also because victimisation has been used systematically to suppress the process of unionisation. We give below a typical account of this victimisation, as related to us again and again by dozens of workers we interviewed. Only the name of the company and the dates would differ from worker to worker.

7.15 When workers would join a CMM-affiliated union (e.g. PESS, CCMMS), individual physical attacks on its leaders would begin. Thereafter, if the workers stood their ground, the workers would be stopped at the factory gate, and asked to sign either a blank sheet or a bond stating that he/she would have nothing to do with that union in future. If they refused, the gate would be simply closed on them. This completed the process of their dismissal - no official notices would be issued, let alone provision of any retrenchment benefits. Such incidents took place, for example, at

TABLE 6
LIST OF WORKERS VICTIMIZED BY VARIOUS INDUSTRIES
(SUBMITTED BY CMM TO ASST. LABOUR COMMISSIONER, RAIPUR)

| No. | Name of Company | No. of Victimized Workers | Period of victimization | | |
|---------|---------------------------------------|------------------------------|-------------------------|-------------|--------------|
| 1. | Kedia Distilleries, Bhilai | 395 | From | 21.2.91 | to 28.9.91 |
| 2. | Chhattishgarh Distilleries, Kumhari | 345 | From | 7.10.89 | to 26.10.91 |
| 3. | Simplex Castings Ltd., Bhilai | 414 | From | 15.8.90 | to 23.12.90 |
| 4. | Simplex Udyog Unit II, Bhilai | 204 | From | 22.3.90 | to 23.12.90 |
| 5. | Simplex Engg. Unit I, Bhilai | 008 | From | 9.8.90 | to 20.9.91 |
| 6. | Simplex Engg. & Foundry Works Ltd. | 208 | | 19.11.90 | onwards |
| 7. | Simplex Metal, Tedesara | 012 | | 19.11.90 | onwards |
| 8. | Sanganı Forgings, Tedesara | 031 | | 19.11.90 | onwards |
| 9. | Simplex Castings Ltd., Urla | 311 | | 18.12.90 | onwards |
| 10. | Bhilai Wires Ltd., Bhilai | 169 | From | 23.11.90 | to 21.2.91 |
| 11. | Bhilai Engg. Corp. Unit I | 060 | From | January '90 | to 3.6.91 |
| | Bhilai Regular Works | 010 | From | 7.7.91 | to 16.7.91 |
| 12. | Bhilai Engg. Corp. Impax-4, Bhilai | 057 | From | 21.2.90 | to 17.3.91 |
| 13. | Bhilai Engg. Corp., Urla | 131 | From | 19.5.91 | to 26.9.91 |
| 14. | Khetawat Cables, Urla | 019 | From | 13.7.91 | to 15.7.91 |
| 15. | Khetawat Wire Rope & Cables, Urla | 039 | From | 14.7.91 | to 16.7.91 |
| 16. | Khetawat Ltd., Urla | 045 | | 16.7.91 | onwards |
| 17. | Vishwa Vishal Engg. Bhilai | 065 | From | 2.3.90 | to 25.7.91 |
| 18. | Punj Star, Bhilai | 099 | From | 17.4.90 | to 20.11.90 |
| 19. | Beekay Castings, Bhilai | 010 | From | 13.6.90 | to 24.10.91 |
| 20. | Beekay Engg. Co., Bhilai | 013 | From | 31.12.90 | to 24.10.91 |
| 21. | Beekay-II (Women), Bhilai | 007 | | | N.A. |
| 22. | General Fabricators, Bhilai | 062 | From | 11.8.89 | to 19.9.91 |
| 23. | R.K. Industries, Bhilai | 043 | From | 13.11.90 | to 30.11.90 |
| 24. | Nagpur Engg. Co., Bhilai | 067 | | 30.9.90 | onwards |
| 25. | Maheshwari Industries, Bhilai | 045 | From | 11.10.90 | to March '91 |
| 26. | Gyan Re-rolling Mills, Bhilai | 034 | From | 10.6.90 | to 20.12.90 |
| 27. | Tek-Steel Technologists, Bhilai | 035 | From | 19.12.90 | to 12.4.91 |
| 28. | Jaiswal Steel Enterprises Co., Bhilai | 089 | From | 28.8.90 | to 7.10.90 |
| 29. | Bhilai Auxillaries, Bhilai | 018 | From | 10.6.89 | to 29.10.91 |
| 30. | Golcha Chemicals, Bhilai | 030 | From | 1.2.90 | to 16.10.90 |
| 31. | Rana Udyog, Bhilai | 002 | From | 7.3.91 | to 18.5.91 |
| 32. | Jyoti Minerals, Bhilai | 004 | | | N.A. |
| Total : | | 3081 | | | |

the factory gates of Simplex Castings (Bhilal) on 13.9.90, Simplex Engg. & Foundry Works (Tedesara) on 18.11.90, Simplex Steel Castings (Urla) on 20.12.90, Khetawat Wires & Cables (Urla) on 13.7.91 and BEC (Urla) on 24.8.91.

7.16 The story of the dismissal of a diploma-holding engineer (Shri R.P. Singh) from the Simplex factory at Urla needs to be recorded here. This young engineer, holding a regular appointment letter, was called into the office of the General Manager, sometime after CMM organised the workers in this factory last year. He found the local Police Officers sitting along with other senior managers and some other engineers. On the advice of the Police Officers, the factory managers asked the engineers to file false FIRs against the local union leaders and activists, complaining of being manhandled by them. The management even provided a draft of the complaint and names of the union people against whom FIRs needed to be filed. This young engineer, however, refused to go along, and the next day when he went to the factory, he was stopped at the gate by the Security Guard. That signalled the end of his employment. Three noteworthy points from these victimisation stories:

- i) Victimisation was practiced by the management as a device to 'discipline' the workers, silence dissenting voices and even to force the workers to do illegal acts.
- ii) Contrary to what the industrialists may claim in no sense whatsoever,

the 16-month long absence of almost 3,000 workers in the Bhilal region from their respective workplaces may be termed as a strike, legal or illegal; the workers simply have not been allowed by the management to resume work in violation of all established laws.

- iii) Victimisation has been an effective tool in the hands of the management to deny the workers their constitutional right to form a union of their choice (In this case, a CMM-affiliated union.)

7.17 A point that was made repeatedly by the industrialists was that they had negotiated the demands of the workers with a local AITUC union about eight months prior to the visit of the Committee i.e. during Feb.-April 1991 period. For example, Shri B.R.Jain said that, in his industry, they had only one union, that of the AITUC and 'the workers are also happy with them'. Very recently we were informed that the Kedia Group has also publicised a settlement with the AITUC.

The fact that the industrialists chose to sign these settlements with the unions 'of their choice' at a time when Niyogi was immobilised through his illegal imprisonment in the February-April (1991) period, may not be a matter of sheer coincidence, after all ! Similarly, the timing chosen by the Kedia management to come to a settlement with a AITUC union was the last week of December 1991, when the third round of conciliation talks between the CMM-affili-

ated unions and the five industrial groups (including the Kedla Group) under the aegis of the Joint Labour Commissioner (Indore) were in full swing. The significance of this act in frustrating the conciliation talks may not be missed. Interestingly, the agreement signed by the Simplex Group with the AITUC's Metal and Engineering Workers Union on 23.3.91 (when Niyogi was in prison and severe repression on CMM unions was continuing outside) does not contain even a word about the contract workers, the dominant form of hiring labour in this company!

It was evident, that a large number of the workers who deposed at or attended our open sessions did not feel that any settlement had been arrived at with the agitating workers. Some claimed that the terms of the Simplex-AITUC agreement of March, '91, were not being implemented even for the so called 'loyal workers'. Moreover, since now the fundamental demand is the reinstatement of the victimised workers, or in other words, recognition of the right to unionise, clearly the dispute is far from resolved.

From a technical point of view, by the admission of Shri Vijay Gupta himself, there is no representative union for the engineering industry in Durg. This would mean that all registered unions, including the PESS, would have to be negotiated with. Even if, some other union were recognised as a representative union, a scrutiny of the membership figures of the PESS union would be crucial in

settling the question of a union of the workers' choice.

7.18 A comment seems necessary on the manipulated ways employed by the industrialists to select the 'union of their choice' for entering into a settlement with. In a case filed by the Metal & Engineering Workers Union against seven industries of Bhillai (including BEC, Beekay, Simplex and Bhillai Wires) before the Industrial Copurt at Indore, the industrialists pleaded that the aforesaid union was 'not entitled to represent the workers, as majority of the workers were (are) not its members' (see Court's order Ref. No. 1/MPPIR/81, dated 10.10.85). This stand must have seemed convenient since this AITUC union had then taken a strong pro-worker position and demanded fulfilment of the recommendations of the Central Wage Board for Engineering Industries, which the industrialists were determined not to yield to; they later obtained a stay order on the Court's judgement upholding the Central Wage Board recommendations. Ironically, the industrialists had then argued that they had already entered into a settlement with another union i.e. Engineering Mazdoor Union. This latter union also happened to be a party to the case, but on the same side as the industrialists themselves, and was being represented by none other than Shri P.K. Moltra, then in the payroll of Shri B.R. Jain's BEC and 'hero' of the now fizzled out 1981 struggle under the CITU banner (see Section 3.8)! Shri Moltra contended that the Court need not 'entertain the present demand' by the AITUC union. The Court, however, dis-

agreed and held that 'the objection was (is) not material, as Sections 27 of the M.P. Industrial Relations Act provided (s) registered union as one of the representatives of employees' and was 'entitled to press the demand of the workers for better wages'. by March 1991, six years later, the tables had clearly turned. Now, faced with CMM's militant and uncompromising ways of struggle and its much more radical demands, including that for complete abolition of the contract labour system (i.e. regularisation), the industrialists must have found the Metal & Engineering Workers Union to be a lesser evil. It was in their interest to select this AITUC union as their hand-maiden. In the March '91 agreement with this union, the industrialists claim to have accepted the Central Wage Board recommendations, atleast for the small number of their regular workers; under the circumstances, ending their more than a decade-long opposition to these recommendations was probably better than facing CMM. This misleading settlement also allowed the industrialists an *alibi* to continue to refuse to deal with the CMM-affiliated unions. While these games were being played, the State Labour Department just watched passively, without even bothering about the blatant violation of the M.P. Industrial Relations Act and other labour laws, besides ofcourse denial of workers' fundamental rights under the Constitution.

7.19 Although all the industrialists insisted before the Committee that, prior to Shri Niyogi's assassination, there had been no confrontation, they implied that the

present leadership of the CMM and its affiliated unions were adopting violent and anarchic means. Clashes have been frequently reported in the Press, but our close questioning at the open sessions revealed quite a contrary picture of events. Moreover, since it appears that industrialists have been able to replace victimised workers in several units and continue production smoothly, the alleged obstruction does not appear to be of a serious nature. Besides, the restraint with which the present leadership conducted the repeated campaigns with tens of thousands of workers in the days immediately following Shri Niyogi's assassination has been universally acknowledged.

7.20 A related question has been the complaints by the managements regarding workers taking recourse to mass actions, such as *dharnas*, processions, *satyagrahas*, bandhs and hunger strikes. The arguments of the CMM leaders on this point were that (i) such actions were taken when the formal channels of redressal were denied; (ii) all such actions were peaceful, and (iii) on a number of occasions, when militant actions had been announced, they were withdrawn even on mere promise of negotiations. This was conceded by various independent observers and indicates that CMM participated in all attempts for a negotiated settlement, quite in contrast to the rigid stance of the industrialists.

7.21 In an industrial city of the size and importance of Bhilai, the role of the Labour Department assumes great sig-

nificance. On 27.2.91, the then Labour Commissioner of M.P., Shri Surendranath had toured the area, and stated in a press interview to the Amrit Sandesh that it was violation of labour laws that was the source of industrial unrest in Bhilai. He had also stated his intention to enforce these laws strictly and of holding a 'worker contact programme' at Bhilai to hear out the workers' grievances. It is extremely unfortunate that this official was transferred to the Centre before he could carry out his plans, *and that local labour officials did not follow up on these constructive recommendations.*

7.22 Several important political leaders of Chhattigarh, representing a whole spectrum of political opinion, including former and present BJP MPs/MLAs, have stated at various times in no uncertain terms that the industrial unrest in Bhilai was a consequence of violation of industrial and labour laws and continued exploitation of contract labour (see Annexure VIII). This view was also expressed by the leaders of all the non-CMM trade unions we interviewed viz., INTUC, CITU, TUCI and AICCTU, with only minor disagreement. Indeed, what the leaders of these four trade unions stressed, in their own different ways, was the need for a joint forum for continuing this struggle in order to face the industrialists effectively.

7.23 In fact the Labour Department seems to have displayed extreme negligence in its role as a regulatory and enforcement agency over the past two decades in Bhilai. Even in the present context, they have repeatedly failed to act on

specific and complete information, given by CMM - affiliated unions of violation of The Factories Act and The Contract Labour Act in various units, and of victimisation of workers of at least 30 factories, provided over a year ago.

8.0 VIOLENCE ON WORKERS

8.1 The Committee started its investigations on alleged acts of violence on workers with a visit to village Kumhari, Dist. Durg on 23.11.91, where the Chhattisgarh Distilleries, owned by Shri Kailashpati Kedia is situated. The Committee met primarily the workers of this industry and some residents of the village. As mentioned in the section on Methodology, cross-examination of witnesses and corroboration through documents was sought on all incidents narrated below.

8.2 Shri Baji Ram Pal, working on Plant Pump No. 4, informed us that in October '90, within a day or two of the Chhattisgarh Chemical Mill Mazdoor Sangh unit being formed there, two members of the union, Purshottam and Dehra, were knifed by Santosh Gupta, a contractor of Chhattisgarh Distilleries and Zuber, a known hoodlum, while coming for work at night. (Incidentally, Santosh Gupta was recently interrogated and detained by the CBI team investigating Shri Niyogi's murder for possession of illegal arms).

8.3 Smt. Juggubai, resident of village Pachdevri, who has been working for six years shovelling coal in the boiler at Chhattisgarh Distilleries, related the fol-

lowing incident of 16th April, '91. The management initially stopped a number of workers, including her at the gate and then let them enter the factory. As soon as they entered about 50 armed persons, led by contractors and known hoodlums viz., Mansingh Pahalwan, Zuber, Santosh Gupta and others, attacked them. When the workers started to rush out they were attacked by a posse of policemen, led by the City Superintendent of Police, Shri Shailesh Singh who mercilessly beat them up. Juggubai herself was beaten till she fell down bleeding and became unconscious, on which the police rushed her to the Government Hospital, Durg.

8.4 Smt. Sitabai, who has been working for 2-1/2 years in the Boiler Section at the Chhattisgarh Distilleries, related that about 50 persons armed with lathis came out of the factory gate on 27th October '91, threatened and intimidated the workers, who had been stopped at the gate, and tried to provoke them into violence. A number of workers mentioned that the Kedia owners and management were keeping a private army of about 50 persons, some of them 'locals', others who had been 'imported' from Samastipur, Bihar. From FIRs and complaints lodged by the workers, it appeared that these persons were continually and habitually threatening, intimidating and beating up the workers whenever they raised their voice regarding any of the illegal practices.

8.5 In the open session at Supela, Bhilai, Smt. Chandrakala Gaikwad, who works in

Kedia Distilleries, Bhilai, related that as soon as she joined CCMMS she started receiving threats of violence from her contractor. On 6th April '91, she and other workers were attacked at the gate of the factory by goondas armed with lathis, iron rods and pistols. These goondas were led by Santosh Gupta, Ashok Gupta and Subhash Gupta, contractors at Kedia Distilleries. The Town Inspector of Jamul Thana, Shri Shivlal Salam and Sub-Inspectors Shri Gajpal and Shri Banjare were present along with a sizable contingent of police. She was held by male policemen and hit on the head with iron rods and the butt of a pistol till she fell unconscious. She was admitted in the Government Hospital, Durg for treatment of severe injuries for six days, during which Shri B.L. Banka, Director, Kedia Distilleries, came to visit her and apparently 'offered her money'. On the same occasion, another worker, Shri Alam Khan, related that Town Inspector Shri Salam gave his revolver to one of the contractors and "exhorted him to kill the workers". The bullet narrowly missed Khan, who, however sustained severe scalp injuries.

8.6 Smt. Dukalhin Bai, who has been loading sleepers for the past eight years at Jaiswal Steel Enterprises Pvt. Ltd., Bhilai, related that on 26th January '91, at the behest of the owner who was personally present, the workers of the Jaiswal Company were attacked at the factory gate. Once again, the Town Inspector Shri Salam and Sub-Inspectors Shri Banjare and Shri Gajpal were present and dragged

her inside and manhandled her. Ten workers were injured in this incident and had to seek medical help. She claimed that when the workers tried to file an F.I.R., the police officials in the Jamul Thana "did not even lift their pens" ("*Kalam bhi nahin Uthaya*").

8.7 Shri Sudama Prasad, who has been working in Simplex Unit II, Bhilai as a fitter, related to the Committee that Shri Sahdev Sharma, a worker, had been beaten and threatened by Gyan Prakash Mishra (at present in CBI custody in connection with Niyogi's murder) with instruction to quit the CMM union, or else be prepared to be killed. He was then taken to a house, that he cannot identify, in the M.P. Housing Board Colony, and interrogated by Santosh Gupta about the location of Niyogi's house. Shri Sharma had made a written complaint about this incident to the police, with request for action and protection. No action was taken.

8.8 Shri N.R. Ghoshal, Organising Secretary of PESS, related that soon after the formation of the Union, at the time of the first rally on 17.9.90, Gyan Prakash Mishra attacked two workers from Bhilai Wires by dragging them into the Simplex compound. Thereafter, on 7.11.90 the Vice-President of CCMMS, Shri Rabindra Shukla was stabbed by goondas.

8.9 Shri Bharat Bhushan Pande, who has been working in Simplex Castings since 1989 as a highly skilled worker, narrated this to the Committee. On 29.8.91 he came to know of the conspiracy to murder

him from a relative of one of the hoodlums hired. Specifically, he was told that the industrialists Sarvahri Moolchand Shah, Navin Shah and Kailashpati Kedia had given a 'contract' of Rs.50,000/- and the photographs of the union leaders to be killed to Gyan Prakash Mishra, Santosh Gupta, Satyanarayana and Zuber. As fulfilment of part of this 'contract', Shri Uma Shankar Rai was knifed on 19th August '91.

Shri Pande gave all this information in writing to the Town Inspector of the concerned police station - Jamul Thana - as well as to the SP (Durg), C.S.P. (Chhavni) and Collector (Durg), requesting that the conspiracy be unearthed, action against the named individuals be taken and security and protection be provided to the union leaders. This document, clearly mentioning the conspiracy and naming the seven individuals, assumes overwhelming importance in view of the subsequent assassination of Shri Niyogi (see Annexure IX).

8.10 Numerous incidents of violence on workers and their leaders were narrated to the Committee by various persons, including representatives of political parties, lawyers, etc. For sake of brevity, a detailed description of each is not being provided. Suffice is to say that each incident mentioned has been verified and corroborated either through witnesses or supportive documents (see Table 7 for a compilation of such incidents).

TABLE 7**CHRONOLOGY OF VIOLENCE UNLEASHED BY HIRED GOONS & POLICE ON WORKERS**

| DATE | DESCRIPTION | FACTORY/PLACE |
|-------------|---|----------------------------|
| 6.5.90 | Daras Ram Sahu, activist of the Indian People's Front and a candidate for the Assembly elections murdered. | Bhilai |
| 1.6.90 | Ramesh Pereira, activist of the Trade Unions centre of India killed in police firing on a demonstration of workers protesting arrest of their leaders outside the thana. Police claims that this was in self-defence | Abhanpur (Dist. Raipur) |
| 17.9.90 | Two workers forcibly taken into the premises of the Simplex Engg Unit I and assaulted to prevent them from attending PESS' first rally in Bhilai. First FIR naming Gyan Prakash Mishra (now one of the prime accused in the Niyogi murder case) as assailant. | Bhilai |
| 6.11.90 | 15 workers of R.K. Industries assaulted by 20-25 heavily armed goons after being confined on factory premises on the pretext of overtime. FIR filed. | Bhilai |
| 7.11.90 | Ravindra Shukla, Vice President of Chhattisgarh Chemical Mills Mazdoor Sangh and a union leader in Chhattisgarh Distilleries, assaulted in M.P. Housing Board Colony. | Bhilai |
| 12.11.90 | Jagdish Verma, Jt. Secretary, Pragatisheel Engg. Shramik Sangh and union leader in Gyan Re-rolling Mills, assaulted at a tea shop in exactly the same manner as Shukla above. | Bhilai |
| 25.11.90 | Ram Vilas Mandal, General Secretary of PESS and 11 others of Bhilai Wires Pvt. Ltd. wounded in attack by the so called "rival union" members. A personnel manager was present on the occasion. | Bhilai |
| 7.1.91 | Mani Ram Verma, a striking worker of Simplex Engg. and foundry Works, was found dead in his house in suspicious circumstances. This was claimed by police to be suicide while PESS claims he was murdered. | Bhilai |
| 21.9.91 | Ten women workers of Kedia Distilleries brutally lathi charged by TISL Shri Salam along with 15-20 policemen and goons at the factory gate in the presence of General Manager. | Bhilai |

(Contd.)

| | | |
|---------|---|--|
| | Alam Khan and Chandrakala Bai sustained severe scalp injuries when police and goons attacked them in concert when workers were protesting at being denied entry in Kedia Distilleries. F.I.R. filed. | Bhilai |
| 16.4.91 | About 200 workers of the first shift were not allowed to enter the factory by the management. Most of them had just joined the CMM-affiliated Chhatisgarh Chemical Mill Mazdoor Sangh. These workers, along with those of the second shift re-assembled at the gate in the expectation of being allowed to work in the second shift. The management, initially allowing them to enter the factory gate, suddenly turned violent, as if it was all premeditated, with the police officials, contractors and employed goons being in the lead. CSP Shri. Shailesh Singh led the police force of about 100 men. A large number of workers, including women, were badly mauled in the ensuing lathi charge. The usual package of filthy abuses, acts specially derogatory to women and threats accompanied in abundance. Some women fled, but were pursued by male police men and thrashed up. Smt. Jugubai Pachdevari fell unconscious due to injuries. A gang of goons, whose names were furnished by the workers to the Committee, later went around in a jeep to the neighbouring villages and beat up all those suspected to be CMM-supporters. Several workers, including two women, were later hospitalised. F.I.R. filed. | Gates of Chhatisgarh Distilleries, Kumhari |
| 25.6.91 | Lathicharge on workers' procession at Bhilai after TI Shri Salam drove his motor cycle into the procession and kicked a pregnant women who was protesting. Police claim that the lathicharge was in self-defence since workers were attacking the thana. Activists Smt. Chandrashila Bai, Shri. Bhim Rao Bangde, Shri. Anoop Singh etc. grievously injured. Union office was ransacked and files, typewriter, jeep etc illegally confiscated. Persons in the office including 65 women and patients waiting for the weekly clinic beaten up and arrested. F.I.R. filed. | Jamul Bhilai |
| 27.6.91 | 4 workers Srinivas, Munshilal, Shambhu Prasad, and Hardev were brutally beaten up with the intent to kill them inside the Kedia Distilleries premises by goondas hired by contractors. F.I.R. filed. | Kedia Distilleries Bhilai |
| 19.8.91 | Attempt on the life of Shri. Uma Shankar Rai*, officer bearer of PESS and worker in Simplex Engg. I, outside the gate of Bharat Industrial Works by contractors of the Simplex group in the presence of T.I. Shri. S.L. Salam. F.I.R. filed. | Simplex Engg. I, Bhilai |

(Contd.)

- 24.8.91 S.K. Singh, Haldhar Tarun and Sukhlal the President, Secretary and Treasurer of PESS (Urla) respectively were assaulted almost fatally While asleep in their Dharna Pandal outside the gates of Simplex Steel Casting in Urla heavily armed hoodlums who came from inside the factory. Hardhar's arm was almost severed. Subsequently a large number of workers from different factories were arrested on various charges, including attempt to murder. Urla
- 28.9.91 Shankar Guha Niyogi was shot dead while sleeping in his house, Bhilai The CBI has subsequently filed cases against 11 persons including 3 industrialists associated with the Simplex Group.

** Uma Shakar Rai was attacked again on 19th Jan. 1992, outside Simplex premises. as per reports reaching us as this report is being finalised.*

8.11 One particular incident of 24th August '91, related at the open session at Urla Industrial Area. Dist. Raipur, however, deserves special mention.

On the night of 23/24th August '91 six workers, Shri S.K. Singh, Vice-President, PESS, Shri Haldhar, Secretary, Shri Sukhlal, Treasurer and Abdul Shaflq, Punaram and Pardeshi, were sleeping in the pandal, on dharna outside the Simplex factory at Urla. At about 6.45 A.M, on 24th morning, approximately 70-80 goondas, including contractors and their cronies such as Bhagwan Singh, K.G.Singh, Joginder Singh, Gyan Singh, Abdul Karim, Gurcharan Singh and Bua Singh, came out of the factory armed with iron rods and swords, and attacked these workers. S.K.Singh, Haldhar and Sukhlal, the three office-bearers of the union received severe lethal sword-injuries and fell unconscious. Shri Haldhar's arm was almost severed from the rest of his body. The Committee visited him in the hospital. The police, even after being informed of the incident by the victims themselves, acted in a totally

partisan manner, implicating about ten of the injured in a criminal case under Sec. 307 IPC (attempt to murder) and, in contrast, registered a case of voluntarily causing hurt under Sec. 324 IPC against the criminals! Interestingly, the police also picked up over 300 workers of the PESS, who had no connection whatsoever with the incident, from various factories and villages, apparently to prevent 'a breach of peace'. Press reports and photographs pertaining to this incident were also placed before the Committee.

8.12 All the incidents mentioned above were prior to the assassination of Shri Niyogi. On questioning the industrialists, however, we found that they were at pains to show that there was no such conflict, confrontation or atmosphere of violence prior to the assassination. The Bhilai Industries Association, in its press release dated 3.10.91, (see Annexure VII b) issued by its Chairman Shri B.R. Jain, stated that ' Shri Niyogi was not only a labour leader, but was also a constructive social reformer'. Further the Association

expressed its appreciation of the peaceful and disciplined manner in which the struggle was conducted under his leadership. During his discussions with us, Shri B.R.Jain, Chairman, Bhilai Industries Association, expressed his high appreciation of Shri Niyogi and his work of unionisation. He stated that there was no conflict at all. In fact talks had been going on for a settlement for two months prior to the assassination.

8.13 Shri Vijay Gupta, owner of Beekay Engg. Co., expressed the view before the Committee that the atmosphere was peaceful prior to the assassination, and that 'he had no problems in dealing with Niyogi's Union'. As evidence of holding no animus or grievance about the methods adopted by the Union, he stated that at the Rajhara iron-ore mines his company had reached a settlement with the Chhattisgarh Mines Shramik Sangh a few years before this.

8.14 Similarly Messrs. Arvind Shah, Deepak Shah and Shailesh Shah stated that 'there were cordial relations between the management and the union. There was no atmosphere of hatred and antagonism, neither was there any unrest'.

8.15 Dr. Shivendra Srivastava, Executive Director, Chhattisgarh Distilleries, expressed the view that prior to the assassination there was no atmosphere of confrontation. There were no problems as the demands were being fulfilled.

8.16 The Committee would like to refer to two of the many memoranda submitted

by villagers and other local residents regarding the activities of anti-social elements against agitating workers. One, dated 9.1.91, is to the Collector, Durg, on behalf of several hundred workers and residents of village Kumhari, protesting the knifing of workers on the evening of January 8th, and expresses concern at the large number of anti-social elements roaming around unchecked and terrorizing the residents. It also requests the Collector to take appropriate steps to check the same and provide a peaceful, secure atmosphere. A true copy of this memorandum is annexed as Annexure X.

8.17 The second document is a memorandum-cum-appeal, signed by 50,000 persons, to Shri R.Venkataraman, President of India. This was presented to him by a delegation of workers, led by late Shri Niyogi himself (Annexure XI). It specifically mentions murderous attacks on workers and activists, the lack of action on part of the police, and makes an appeal to safeguard the right to life and liberty, as well as the right to form trade unions, all guaranteed by the Constitution. Similar memoranda were also presented to the Prime Minister, and Shri L.K. Advani, leader of the BJP.

8.18 From the above discussion, the following conclusions clearly emerge:

- i). That the first round of goonda attacks on the workers began with the latter's attempts to organise and form unions under the CMM banner;

- ii) That the incidence of the attacks have increased both in severity and frequency as the workers' movement gained momentum, and are in fact continuing even after the brutal murder of Shri Niyogi;
- iii) That the pressure of anti-social elements who are outsiders to the Bhilai region has increased in numbers, in both the shopfloor and the town, and they establish their direct links with the management;
- iv) That women are special targets for threat and violence despite which their participation in the struggle appears to be on a remarkable scale;
- v) That the police actively prevents the victims of these attacks from lodging complaints, and wherever they do succeed in filing FIRs with specific names of the culprits, no action is taken;
- vi) That in fact if action is at all taken, it is against the victims by lodging charges such as 'attempt to murder' against those unarmed people who have been attacked with swords etc.! and,
- vii) Most importantly, the police seems to have actively participated in violent and unwarranted attacks on workers. In fact, in the perception of the workers, they do not seem to distinguish between the police and those they identify as the 'management hoodlums'.

9.0 ROLE OF THE POLICE AND ADMINISTRATION

9:1 The Constitution empowers the Government not only to formulate laws, but also to create social and political institutions to safeguard, monitor, implement and provide redressal - hence the existence of a State machinery. Thus labour disputes which involve implementation of existing industrial and labour laws need to be resolved democratically, under the initiative and close scrutiny of the State apparatus created specifically for this purpose.

The workers, advocates, journalists and other citizens who deposed before us pointed to the complete absence and, in fact **reversal**, of this role entrusted to the administration. This was further confirmed in our talks with those administrators who were prepared to meet us (the IG, SP and Collector, Durg Dist. did not respond to our invitation).

9.2 A large number of workers who deposed before the Committee referred to an incident which occurred on the 25th of June, '91, which is extremely disturbing because it not only brings to the fore the barbarity of the police, but also the nexus between the police and the industrialists. Shri D. Sanjivi, who is an advocate in Bhilai, gave us a written account of the incident, based on a perusal of the affidavits of the workers. We have pieced together an account here:

"On 25.6.91 when, like almost every other day, the workers were taking out a peaceful

procession, the Town Inspector (TI) of Jamul Thana, Shri Salam, with the intent of provoking the workers, rode into the procession on his motor-cycle and pushed a pregnant woman worker, Smt. Baisakhin Bai, who fell on the road. The police had also blocked the normal route with a tractor trolley, so that the procession had to be diverted to pass in front of the Jamul Thana. There, the unarmed workers were beaten up brutally with lathis. Shri Bhimrao Bangde, Smt. Chandrashila Bai, Shri Anoop Singh and other union leaders sustained grave injuries following which they were denied medical treatment and were arrested. Shri Bangde and Shri Singh were later beaten up in the thana also. The police then 'detained' more than 400 workers, including patients waiting in the union office for the weekly clinic. This was witnessed by several local journalists. Eleven workers were charged under Sections 307, 148, 147, 294, 337, 324, 323 IPC/CrPC, whereas in reality it was the police which made an attempt with the view to kill the workers!"

"In the same incident the police also attacked the union office in Ghasidas Nagar (Bhilai) and reduced it to a mess of broken furniture and torn paper. They even pulled down framed photographs of Shaheed Bhagat Singh, Vivekananda and others and crushed them with their boots. They took away the jeep of the union, more than a hundred bicycles, nineteen wrist-watches and all the files and registers in the office." When the Committee visited Bhilai the union was still attempting to recover these items.

9.3 This event, corroborated by the eyewitness accounts of the journalists present there and the workers involved, was clearly at the behest of the industrialists, to terrorize the workers into leaving the union and eroding the movement. The scant regard the police has for justice and democracy is evident from the single act of their crushing the photographs of revolutionaries of India's freedom struggle under their feet!

9.4 The extent to which the workers' attempts to unionise and raise an industrial dispute is being converted into a 'law and order' problem, is reflected in the extensive use of preventive detention in violation of both its applicability and procedure. A detailed list of about 50 cases under Sections 151, 107 and 116, was provided by the PESS lawyer to the Committee. The several hundreds of persons detained and the fact that these detentions often took place when the workers had planned some collective protest action, is evident from this list before us. Another list of about 35 criminal cases (including 'attempt to murder') against more than 300 union activists and leaders, all filed during the 1990-91 period, was also placed before the Committee.

9.5 The role of the police, and the administration goes a step further in aiding the management in yet another way. As can be seen from Section 7.12, the existence of cases against workers is used by the management as a justification and rationale for victimising workers who protest;

and the criminal cases give them the excuse for not even considering such workers while negotiating re-instatement.

9.6 Finally, to get an administrator's viewpoint, we report here our discussions with the Commissioner, Raipur Division.

The general approach adopted by the Divisional Commissioner towards the industrial unrest and the workers' movement, as presented by him during his 90-minute long meeting with the Committee, was most baffling, to say the least. This seniormost representative of the State Government in the region, maintained that there was hardly anything objectionable about the employment conditions in the industries of his Division, and that the CMM-affiliated unions had never presented any demands to the Government. He almost seemed to imply that Niyogi should have taken his permission before starting the movement ("He should have met me before launching his movement."). He described the movement as 'coercive action by the trade union against the industrialists'. He considered the CMM as obstructionist and violent. When the Committee pointed out the kind of flagrant violations of the law that the industrialists had been indulging in for almost two decades, the Commissioner stated that he had 'once inquired about this from the industrialists at a function, but they assured me that there was no truth in these allegations'.

It is amazing that the Commissioner, responsible for monitoring and regulating

the industries and ensuring that laws are implemented, satisfied himself on receiving oral denials from the industrialists at an informal gathering. He was also not aware (he did not seem to care either) whether there was any official report on the conditions of work in the industries in his Division. When told that the concerned unions had submitted their demands in writing to the management and the Assistant Labour Commissioner more than a year ago, the latter having convened five meetings to discuss the demands, which were rendered infructuous in the past due to non-co-operation of the industrialists, the Commissioner made some vague reference to requisite forms not being filled out by the unions. In such circumstances, what kind of redressal or even investigation can the economically weaker workers, insecure in their service, expect from the State machinery?

9.7 The Collector, Raipur, on the other hand, told the Committee on the side that there was a 'genuine labour demand', but 'it requires only negotiations.' The strategy adopted by Niyogi was 'a bit harsh'. He went on further to say that despite the struggle, the 'industrial and law and order climate has been peaceful, and there has been no cause for distress'. The existence of totally opposite perceptions of these two administrators is in itself quite revealing.

9.8 The lack of initiative by the State Government to enforce the various industrial and labour laws and to intervene in the 16-

month long industrial dispute in order to help break the impasse is baffling, to say the least. its silence in the face of the mounting evidence of violence on workers by goons hired by the industrialists, with direct or indirect connivance of the police department as shown in Sections 8.0 and 9.0, is particularly disturbing. And this state of affairs exists when a whole spectrum of people's organisations, voluntary bodies and intellectuals from within Madhya Pradesh as well as from all over India have been periodically sending Memorandums on this situation to Chief Minister Shri Sundarlal Patwa from December 1990 onwards, copies of which were made available to the Committee.

10.0 ARREST, EXTERMENT AND ASSASSINATION: CHRONOLOGY OF A MURDER FORETOLD

10.1 The Chhattisgarh Mukti Morcha entered the Bhilai industrial area in July 1990, with the agitation of the coal-gypsum loading-unloading workers (all on contract), in ACC Cement factory. The agitation in which Shri Shankar Guha Niyogi had himself participated culminated in a settlement, giving substantial benefits to the workers. Following this, workers from a number of industries spontaneously formed unions under the banner of Chhattisgarh Mukti Morcha.

10.2 The response of the management of the industrial houses and perhaps, for that reason of the administration and a section of the media as well, was of the nature of unqualified opposition to Shri

Niyogi as a person and towards CMM and the labour unions affiliated thereto. The management refused to recognise unions formed by Niyogi in respective establishments and factories. The intensity of the opposition of various industrial houses can be gauged from the press statement of Shri B.R. Jain, Chairman, Bhilai Industries Association, dated 29th November 1990. (see Annexure VII a).

10.3 Shri B.R. Jain told the press that 'with the entry of labour leader of Rajhara the peaceful atmosphere in the entire industrial region has been disturbed and fear grips the area'. Shri Jain also clarified that 'the industrialists of the area would not talk to anyone except the leaders of the union recognised by them, and therefore the industrialists would not at all talk to the labour leader in question; nor was there any question of entering into any agreements with him'.

10.4 That the police and the administration went out of their way to harass Niyogi, possibly as a result of pressure from the industrialists, can be seen from the fact that he was arrested in February 1991 in cases, dating back to 1983, where his application for exemption from appearance in court had been previously allowed by the court itself. Now, years later, the compliant sub-ordinate judiciary would not grant him bail even though the offences in question were bailable. It is the High Court which eventually granted him bail. The following extracts from the Order speak for themselves (emphasis ours):

"The facts appearing in the impugned order of the learned A.S.J clearly indicate that the offence for which the applicant is being tried is a bailable offence, and is pending since 1983. He had remained absent on many occasions, for which he had made application, dispensing with his presence. These applications were allowed. It is surprising that, after having allowed those applications, the earlier absences have been treated as a reason for not granting bail now. Apparently, there is something more than what appears on record. Maybe, the applicant, being a Labour Leader, is not accepting the discipline of the Government at present. In spite of the same, this should not be the way of keeping a person in jail. If the courts were not happy with his remaining absent, they should not have accepted his applications and exempted him from personal appearance. Indeed, this Court would hold that personal appearance of an accused person is more for his benefit than to cause inconvenience or punish him in any manner. Under the circumstances, this Court finds sufficient justification for releasing the applicant on bail. Considering the fact that the applicant is a known labour leader, this Court would direct his release on his personal bond."

The High Court again granted him bail in another case, by their order dated 27.3.91, in which the Court recognized that 'Niyogi was a known labour leader working for the cause of the down-trodden', and held that 'it would not be in the interest of justice to keep him in jail'. Niyogi was freed

in the first week of April 1991, after 2 months of imprisonment, to a tumultuous welcome by tens of thousands of workers in the whole of Chhattisgarh.

10.5 The first letter, warning Shri Niyogi that arms were being bought and a conspiracy was afoot to eliminate him, was received on 29.4.91. The original letter, along with a covering letter from the Chhattisgarh Mines Shramik Sangh, requesting immediate action in the matter was sent to S.P., Durg, with a copy to the local Town Inspector. No action was taken by the police. On 4.7.91, another letter was received, stating that a deal had been struck for Rs.1.5 lakh for the assassination of Shri Niyogi. Again, a copy of this letter, with a covering letter drawing attention to the earlier lack of response was sent to the Town Inspector at P.S. Rajhara. No action was taken.

10.6 It appears that the planned attack by musclemen on the workers, the arrest of Niyogi for 2 months (Feb. - April, 1991), and even the lathi charges by the police, did not succeed in breaking the back of the workers' struggle. The movement, from all accounts, seemed to gain ground day by day. Even Dr. Shivendra Srivastava, Executive Director, Chhattisgarh Distilleries, admitted this.

10.7 The reasons for the unalloyed antagonism and hostility of the industrialists to the entry of CMM and the refusal to negotiate with the unions affiliated to it right from the start become comprehensible if one looks at the considerable financial implications involved, as we can

see in Section 6.0. There is yet another evidence in support of this contention that has come to light. Exhibit No. 6 presents the financial statement of Bhilai Wires Ltd. for the 6-months period preceding 30th September, 1991 (Niyogi was killed on 28th September). This statement claims that the fall in sales and profits during this period (in comparison to the corresponding period of 1990) is due to the highly disturbed labour situation in Bhilai. The financial and, therefore, also political significance of this evidence cannot be overstressed.

10.8 It would be pertinent at this stage to refer to a factor which came across very strongly in our conversations with the industrialists or their representatives. This was the repeated and invariable reference to Niyogi personally having sole and direct responsibility of the movement and the demands being made by the workers. This was clearly betrayed throughout the conversations with each business house. Dr. Srivastava of Chhattisgarh Distilleries, on being asked whether workers were victimized on joining CMM, answered that 'it was a wave, people were attracted to Niyogi; all the workers joined him. If we had thrown out the workers who joined Niyogi, our factory would have to be shut down'. Shri B.R. Jain, owner of Bhilai Engineering Corporation and Chairman of the Bhilai Industries Association, said that 'Niyogji got the workers benefits at Rajhara; he got the ACC transport workers good wages'. Messers Vijay Gupta, Arvind Shah and Shailesh Shah expressed similar views.

10.9 The above equation between one man and the entire movement is also reflected in the next move to tackle the workers' struggle. Namely, a show-cause notice to extern Niyogi from as many as five districts of Chhattisgarh (where the CMM was active) i.e., Durg, Raipur, Rajnandgaon, Bilaspur and Bastar, was served on 19th July 1991. This notice claimed that 'Niyogi was creating terror among the vast majority of people'; that 'he was constantly raising legitimate and illegitimate demands of workers', and even accused him of 'deliberately making a place in the hearts of workers' and 'marrying a tribal girl' (apparently a crime!). He was accused of being guilty in a large number of cases where he had been acquitted, since he had apparently terrorized witnesses in courts. He was similarly indicted to be guilty in cases yet sub-judice. This latest move against Niyogi also fizzled out as the most undemocratic and unlawful externment order was stayed by the Jabalpur High Court !

10.10 With hindsight, it can now be said that Niyogi correctly guessed the next move against him i.e., his elimination. He voiced it in an audio-tape. Niyogi's voice, it seems, could not be silenced even in death, and the tape which was discovered by his children after the assassination states that a conspiracy is being hatched, and seeks to identify the persons responsible for his murder. (see Exhibit No. 7).

Anticipating his assassination, Niyogi also came to Delhi with a delegation of workers

and met the President of India, on 11th September, '91, less than 20 days prior to the murder. He presented a memorandum to the President and appraised him of the grave threat to the life and liberty of the workers and their leaders in the Chhattisgarh region. Niyogi also met and presented a memorandum to the Prime minister, and to Shri L.K. Advani, leader of the Bharatiya Janata Party and sought their intervention. On his return journey to Bhilai, Niyogi stopped by in Bhopal (17th September) and tried to meet Chief Minister Shri Patwa who was too busy to give him an appointment. Instead, Niyogi was asked to see the Labour Minister of MP who was singularly unhelpful during the discussions.

10.11 Given this backdrop, the people at large were quick to draw their own conclusions and the media sought to convey that the five industrial-cum-business houses of the area, named in Smt. Asha Niyogi's FIR, were behind the murder of Shankar Guha Niyogi. The spokesman of the industrialists, Shri B.R. Jain, then held a press conference on 3.10.91 and sought to convey that Niyogi's movement had all but fizzled out months before his assassination, meaning thereby that they had nothing to fear from him and thus had no interest in his person one way or the other.

10.12 Some of the other industrialists also conveyed to the Committee that Niyogi's movement had virtually collapsed a month before his assassination. This assertion,

however, was contradicted by various independent citizens, academicians, journalists, non-CMM trade union leaders and others who maintained before the Committee that his movement and the workers' participation therein was gaining new strength everyday. Moreover, the powerful, disciplined and prolonged movement, launched by CMM since Niyogi's assassination demonstrates the base it has amongst at least one lakh industrial workers of this region. Needless to add that the financial statement of Bhilai Wires Ltd. (Exhibit No. 6) belies this claim of the industrialists through grudging self-admission (see Section 10.7).

10.13 Some industrialists have also alleged this murder to be the handiwork of the CPI(ML)(People's War Group). This theory cannot be sustained because, not only is there no history of any animosity between the CMM and the CPI (ML) (People's War Group), but also their geographical areas of operation are distinct without overlap. It is also well known that CPI(ML) (People's War Group) periodically sent its popular folk artists to participate in the cultural activities of CMM. Niyogi has also expressed fraternal feelings, though with some ideological and methodological reservations, towards the various CPI(ML) groups in the latter part of his tape-recorded message referred to earlier in Section 10.10. Further, and this is where the cowardly method by which Niyogi was assassinated becomes important, the CPI (ML)(People's War Group) always issues warnings, letters of intent, prior to elimination of any

prominent person, stating reasons thereof and claims responsibility after the execution. After 3 months of the assassination, a letter mysteriously found its way into certain Raipur newspaper offices in which the 'naxalites' are supposed to have claimed responsibility. Unfortunately, the people who have drafted this letter have neither got the name nor the address of the organisation allegedly claiming responsibility, correct! Interestingly, even the day before Niyogi was killed, a local paper referred to rumours of an expected attempt by the Naxalites on his life and then quoted him denying these vehemently. Evidently, an impression was sought to be created and the editor of this paper, when subsequently questioned, was unable to satisfactorily explain the source of his information.

10.14 The State administration and the Police did not exhibit requisite degree of concern for the necessity of an honest and immediate investigation into the assassination of Shri Niyogi and the arrest of the likely assassins and their accomplices. Specially so, as the Investigating Officer appointed initially, Shri B.B.S. Thakur was one against whom the CMM had made allegations of corruption.

10.15 The fact remains, restraining hand may be of any, that it was not before the assassination and the investigation thereof was made a national issue by various social activist groups and opposition political parties, that serious investigation of the matter was undertaken at the instance of the Central Government, who, though

with some delay, entrusted the case to the Central Bureau of Investigation (CBI).

10.16 The CBI has, in the course of its investigations, recently filed cases against 11 persons, including Shri Moolchand Shah and Shri Navin Shah, Directors of the Simplex Group of Industries.

10.17 Having been refused anticipatory bail in this case by the Delhi High Court on 16th December, 1991, these industrialists have subsequently been granted anticipatory bail by the Jabalpur High Court and have so far evaded arrest and interrogation by the CBI. We are extremely concerned to read in press reports, however, of the presence of these absconding persons in a rally sponsored by the industrialists in Bhilai on 27.1.92.

10.18 In view of the above, the Committee hopes that pressures from vested interests will not be brought to bear on the CBI in pursuing its investigations and also that the judicial and police machinery of the State Government will display greater cooperation in conviction of the murderers than has been shown so far.

CONCLUSIONS

On the basis of its investigations into the 16-month long industrial strife in the Bhilai region, the Citizens' Committee presents the following conclusions :

1. The timing and modus operandi of the assassination of Shankar Guha Niyogi are critical in pointing towards the possible motive and the conspirators of this reprehensible act. To put it differently - who

were the people who stood to gain the most, and had the wherewithal (monetary and political) to manage the act of assassination and yet suppress their role in it.

2. Shankar Guha Niyogi's murder has to be seen in the backdrop of the ongoing peaceful workers' movement in Bhilai, which has been raising constitutional and legal demands of:

- (i) Implementation of The Contract Labour (Regulation & Abolition) Act, 1970, The Factories Act, 1948, The Trade Union Act, 1926, and other industrial and labour laws;
- (ii) Provision of safe and healthy working conditions and of safety equipment;
- (iii) A negotiated wage lying between that recommended by the Engineering Wage Board and an adequate living wage; and
- (iv) Re-instatement of victimised workers with full retrospective benefits.

3. The threat this posed to the industrialists' huge illegal profits was too large to be considered negligible. When the industrialists were unable to crush the movement by victimising agitating workers with dismissals, they intensified their onslaught against the workers' fundamental right to organise themselves by launching a six-pronged attack, with at least the knowledge, if not also connivance, of the administration and the police:

- (a) Further victimisation at the factory;
- (b) Goonda attacks on workers and their leaders;
- (c) Police attacks on workers and their leaders;
- (d) Registration of false cases, against hundreds of workers, under Sections ranging from that of Preventive Detention to 'Attempt to Murder';
- (e) Refusing to talk to the CMM-affiliated trade unions for more than a year; creating instead pliable trade unions as their hand-maidens and entering into ambiguous, if not misleading 'settlements' with them which provided a legal shelter for first avoiding and later frustrating negotiations with CMM-led unions; and
- (f) Attempting to facilitate this process by eliminating Niyogi, initially from day-to-day involvement (arrest on basis of misrepresentation), and then geographically (expulsion orders).

4. The industrialists have claimed that the movement had been at a low ebb and had almost died out two months before Niyogi's murder, and hence they had nothing to gain by this act. This has been shown to be untrue earlier in this report (Sections 10.11 and 10.12).

Niyogi's physical elimination appears to be a logical culmination of the strategy adopted by the industrialists and the

administration, apparently operating in tandem.

Further supportive evidence of this hypothesis is provided by the threatening/warning letters received by Niyogi, the recorded statement left by him, wherein he elaborated the conspiracy being hatched to murder him, and his communication of the same to the two highest offices in the country - that of the President of India and the Prime Minister, apart from also to Shri L.K. Advani, the seniormost leader of BJP, the party ruling Madhya Pradesh.

5. The State machinery is at best ineffective, and in fact openly serves the interests of the industrialists. The police has done this by converting a genuine labour dispute into a law and order problem, as well as by turning a blind eye to the well-orchestrated attacks on workers by mafia gangs operating on behalf of the industrialists.

6. The labour department, which has the authority and duty to initiate the resolution of an industrial dispute, has in fact allowed the industrialists to stay away from the negotiation table for more than a year. But the acts of omission/commission by the labour department begin even prior to the genesis of the ongoing movement - it has criminally neglected its role as a regulatory and enforcement agency for the various labour laws for over two decades. Its officers have shown callous indifference to the widespread and blatant violation of almost each and every industrial and labour law in the region since the

mid-sixties. Hence the ultimate responsibility for the speedy resolution of the dispute lies squarely at the door of the labour department and the State Government under whose direction it functions.

7. As a reflection of intent, the administration must ensure the re-instatement of all the victimised workers immediately. Further, proof of employment, including service records, must be issued to all the workers, again with immediate effect. These must be done unconditionally, and then the other genuine grievances of the workers can be discussed across the negotiation table, at the instance and close supervision of the State Government. Such a resolute action would seem necessary, as a first step, in seeking to re-establish the workers' faith in the possibility of a just share for them in India's industrial development.

8. While we have detailed the demands of the CMM-affiliated unions elsewhere in the report and in the conclusions, we must stress the fact that we were impressed by the combination of militancy and non-violence of the workers' movement in Bhilai. This is especially significant in view of the immense provocation facing the workers - the murder of their leader at the peak of the struggle, the open collusion between the management and the administration, and the consequent attacks on them, etc. This type of movement immediately brings to one's mind the continuing relevance of Gandhi. However, the atrocious response of the administration and politicians to

SUMMING UP

this non-violent mass movement may actually strengthen the increasing scepticism about (the possibility of gaining any justice for the poor masses within the prevailing paradigm of development and the elite - controlled democratic framework that has sustained) this paradigm since our independence.)

9. Shankar Guha Niyogi's murder assumes sinister proportions when seen in the context of the rapidly changing industrial scenario in the country, under pressure from the World Bank and the International Monetary Fund. It is reflective of the drastic erosion in the democratic space open to the workers to agitate for rights assured by various industrial and labour laws, in asking for minimal security of employment and a wage which stretches the notion of dignified survival to its limit.

It is indeed a sad reflection on the polity and society we live in today, that the right to organise for collective action so as to ensure the preservation of democratic institutions and a just share in the fruits of development for various sections of our population, recognised as a fundamental right at the dawn of our freedom, has now come to be treated as a law-and-order problem. The democratic institutions have become the instruments of the powerful to crush the legal aspirations of the vast majority of poor, and if the downtrodden are not to conclude the meaninglessness of non-violence, the State must respond immediately and positively, lest the erosion of faith becomes irreversible.)

Niyogi's was the first nakedly 'political murder' in Madhya Pradesh. Never had one seen before a murder of a trade unionist, so well planned and executed, for reasons so blatantly imbedded in duplicity, deceit and dictation. He was killed because he was an odd man out in an area where none had dared to challenge the network that some industrialists operated to deny their workers even basic amenities and living wages. His greatest crime was that he refused to be bought or influenced and, therefore, ultimately paid the price which many honest and conscientious trade union leaders have paid elsewhere since the advent of industrial activity in the country.

That such a fate should have visited a person like Niyogi is tragic, but still more tragic is the lack of remorse and repentance by those in the industry and the authority. There is no doubt in our mind that some industrialists wanted him to be out of the way because he had dared them to give the workers their due under the laws of the nation. Who among them actually hired whom to kill Niyogi is pertinent only to apportion the blame of the crime. This task is being attended to by the CBI. But it is transparent to us that he was a victim of the climate and circumstances which some industrialists had created in the Bhilai industrial belt.

It is beyond our comprehension why Niyogi was not protected when he repeatedly said that his life was in danger. He travelled to

New Delhi to petition before the President of India, Shri R. Venkataraman, Prime Minister, Shri P.V. Narasimha Rao, and Shri L.K. Advani, leader of the Bharatiya Janata Party, which rules over Madhya Pradesh, that he perceived a threat to his life and that of other union leaders. Yet, no one in the authority seems to have taken any steps to guard him. It is not without significance that the powers that be took their own time to refer the matter to the CBI for inquiry and that the Chief Minister Shri Sundarlal Patwa and his various cabinet colleagues made a number of self-contradictory statements in the days following the assassination, when there should have been no ground for any ambiguity whatsoever.

If the basic fundamentals of industrial peace and trade union activity or, for that matter, a civilised society itself are to be preserved, every person must be vigilant, willing to abide by the norms of a democratic polity and display the courage to stand up when the challenge comes. We were dismayed to find that many people in the area had become a part of the establishment. The industrialists and mafia had penetrated, through money or pressure, the objectivity and independence of even the guardians of society, including a section of the local press.

We found a sense of insecurity among the workers. They accepted low wages and inhuman working conditions because the alternative was to stay without a job. The newly rich industrialists wallowed in luxu-

ries and behaved like feudal lords when it came to paying the workers or improving their working conditions. The workers, on the other hand, had to accept whatever was available to them, a harsh life, devoid of even the necessities. It is a matter of shame that a bulk of the labour force in the private enterprises in the Bhilai region is still hired by contractors who are frequently the employees of the industrialists. This is a 'legal' form for circumventing the rights a worker has under the law; the contractors hire 'safe' workers or fire those who demand their due. The industrialists escaped the responsibility on the plea that the matter was between the contractors and the workers. The workers who protested were beaten up, several severely wounded or killed, by the musclemen of the industrialists, with the police either looking in other direction or even participating actively.

Some local trade unions, with leftist pretensions, have unfortunately acted as the hand-maidens of the industrialists. Instead of joining in the struggle against the exploitation of workers, these local outfits have appeared more as a front office of the management than a workers' organisation. That explained why the Bhilai industrialists preferred some particular trade unions and kept out others. Niyogi tried to break the unholy alliance and earned the wrath of the industrialists and their mafia gangs. But the exploited and helpless workers found in him a ray of hope and flocked to him in tens of thousands. The support of the other trade unions began to tumble and the industrialists became nervous and shaky.

That he and his Chhattisgarh Mukti Morcha would deliver the goods became the workers' conviction. On the other hand, the more he agitated, the more adamant the industrialists grew. It was a state of confrontation. Undaunted Niyogi continued to fight for the rights of the workers and sacrificed his life in the process.

The Committee was amazed to see how the industrialists were able to get away with contact at the "right places". With the administration not acting when it should have and not pursuing the dictates of law which it should have, high handed and arbitrary action became a routine and could be carried out with impunity. The sense of right and wrong appears to have been lost in the Bhilai region and we have a feeling there has been practically no realisation either on the part of the industrialists or the authorities of what was wrong.

Our feeling is that we have allowed too many aberrations in the industrial field. If the rights of workers have to be protected, the institutions meant to preserve their rights should be allowed to operate independently without any interference. The Government, however, appears to buy peace by pressurising the monitoring cum-regulatory institutions not to act whenever they

discover cases of violation of laws, with even the highest in the authority acting vague and unconcerned.

This state of affairs prevails when our own fellow countrymen and their elected representatives are apparently in control of things. We shudder to think what would happen when the new industrial policy and 'liberalisation' measures would bring to the area such people from abroad who would be empowered to dictate their terms for the investments they made. The IMF and the World Bank have one set of rules for the industrialised countries and another for the third world. The track record of multinationals in several Latin American and African countries is too well known to be ignored. The lessons of Union Carbide's massacre in Bhopal are still fresh in our minds. We foresee that the labour would be further exploited and made to work under even more inhuman and hazardous conditions. The establishment would go along all this in order to ensure that the outside banking institutions and multinationals stayed and prospered. A person like Niyogi, with a vision of self-reliance and alternative development of Indian society, will then be missed more than even before. A person like Niyogi, with a vision of self-reliance and alternative development of Indian society, will then be missed more than ever before.

AN ADVERTISEMENT BY THE SIMPLEX GROUP
(Source: Desh Bandhu Raipur: Jyoti Ank, 1991)

देशबन्धु ज्योति अंक

WHO CAN BUILD THE BEST BLAST FURNACE?

WHO HAS A TURNKEY DIVISION AND CAN TAKE UP CONSTRUCTION OF MINI BLAST FURNACE ON TURNKEY.

WHO GOT REPEAT ORDER FOR BUILDING CAST HOUSE SLAG GRANULATION PLANT FOR BLAST FURNACE NO. 8 OF BHILAI STEEL PLANT.

WHO HAS A TEAM OF ENGINEERS WITH PROJECT DISCIPLINE HAVING EXECUTED 4 TURNKEY CONTRACTS IN LAST TWO YEARS.

WHO HAS MADE ALL SYSTEMS, COMPONENTS AND EQUIPMENTS FOR MAJOR BLAST FURNACE OF INTEGRATED STEEL PLANTS SINCE LAST 30 YEARS.

WHO HAS FULL FLEDGED DESIGN ORGANISATION TO TAKE UP INDIANISATION AND ENGINEERING OF YOUR PLANT LAYOUT.

WHOSE 2000 WORKERS IN ITS VARIOUS WORKS ASSURE MANUFACTURE OF EQUIPMENTS FOR MINI BLAST FURNACES WITHIN 18 MONTHS.

WHO HAS 2000 WORKERS AND FACILITIES OF CASTING, FORGING, FABRICATION AND MACHINING AT YOUR DISPOSAL. THIS ENTIRE EQUIPMENT FOR MINI BLAST FURNACE WILL BE MADE BY SIMPLEX IN ITS OWN WORKS AT BHILAI.

WHO EXPORTS METALLURGICAL EQUIPMENT WORTH RS. 5 CRORES PER ANNUM TO COUNTRIES LIKE USSR, JAPAN.

WHO HAS MADE CAST HOUSE SLAG GRANULATION PLANT FOR BLAST FURNACE NO. 7 OF BHILAI STEEL PLANT WITH V/O. TIAPROMEXPORT, MOSCOW AS ITS PARTNER—FIRST INDO-USSR TURNKEY CONTRACT.

SIMPLEX ENGINEERING & FOUNDRY WORKS LTD.

BHILAI

65, Industrial Estate
Bhilai-492005
Phone: 4854/5403
Cable: Simplex
Telex: 0771 801 SMP IN
Fax: 0771-801 SMP IN

DELHI

1315 Mansarovar Tower
99 Nehru Place
New Delhi-110019
Phone: 4414044, 4431347
Telex: 031 81588 SMP IN
Fax: 011-4464303

BOMBAY

93 Rajy House
6th Floor, Nariman Point,
Bombay-400 021
Phone: 801938, 8871170
Telex: 011-3308 SMP IN
Fax: 022-8871170

CHENNAI

Plot 7, Marathwara
3 B, Conna Street
Chennai-700 016
Phone: 899751, 898816
Telex: 081-5771 8987 IN
Fax: 033-291821

MUMBAI

Shree Tower, 5th Floor
77 Bank, 765, Market Road
Mumbai-400 002
Phone: 445313
Telex: 041-6782 SUN IN

STEEL CASTINGS DIVISION
Urla Industrial Estate
Post Box No. 128, Raipur 492001
Phone: 24883, 23805,
Tlx: 0775-279, 0775-294

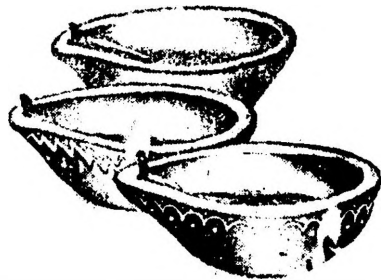


EXHIBIT NO.4

A SAMPLE COMPUTERISED WAGE SHEET (JULY,1989) SHOWING LOW WAGES AND LACK OF STIPULATED ALLOWANCES.

(Source : Simplex Castings Ltd., Bhilai)

SIMPLEX CASTINGS LTD.
BHILAI

CASH ACQUITTANCE REPORT

| Pers. No. | NAME | Days Paid | Salary Rate | Over Time | HRA | Conv | Varble Income | P.F. | FPS | Salary Adv. | Spec. Adv. | Vehicle Adv. | Tour Adv. | Imprest Adv. | Secd. Type 1 | Secd. Type 2 | Secd. Type 3 | L.Tax | P.Tax | L.I.C. | Gross Pay | Total Dedns. | Net Pay | |
|---------------------|-------------------|-----------|-------------|-----------|-----|------|---------------|------|-----|-------------|------------|--------------|-----------|--------------|--------------|--------------|--------------|-------|-------|--------|-----------|--------------|---------|---------|
| ** EMPLOYEE TYPE RS | | | | | | | | | | | | | | | | | | | | | | | | |
| 11231 | BHAIYA LAL | 31.0 | 941.00 | 0.00 | 0 | 0 | 0.00 | 74 | 10 | 100.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 841.00 | 184.00 | 657.00 |
| 11232 | D.MEHAN RAO | 31.0 | 981.00 | 0.00 | 0 | 0 | 0.00 | 79 | 10 | 150.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 981.00 | 239.00 | 643.00 |
| 11233 | PRAKASH KUMAR | 29.0 | 721.26 | 0.00 | 0 | 0 | 0.00 | 64 | 8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 721.26 | 72.00 | 649.00 |
| 11234 | NATHUNI CHOUDHARY | 28.0 | 673.31 | 0.00 | 0 | 0 | 0.00 | 60 | 8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 673.31 | 68.00 | 605.00 |
| 11235 | RAMESHWAR SINGH | 29.5 | 719.42 | 0.00 | 0 | 0 | 0.00 | 64 | 8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 719.42 | 72.00 | 647.00 |
| 11436 | LAKHAN LAL | 31.0 | 570.00 | 0.00 | 0 | 0 | 0.00 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 570.00 | 0.00 | 570.00 |
| 11407 | SUNIL PRASAD | 24.0 | 526.45 | 0.00 | 0 | 0 | 0.00 | 0 | 0 | 125.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 526.45 | 125.00 | 401.00 |
| 11407 | SUMIYA KUMAR | 7.0 | 65.48 | 0.00 | 0 | 0 | 0.00 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 65.48 | 0.00 | 65.00 |
| ** Subtotal ** | | | 4998.42 | 0.00 | 0 | 0 | 0.00 | 340 | 44 | 375.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 4998.42 | 759.00 | 4237.00 |

A sample of Record Notes by the Government Labour Officer,
Tedesara (Dist. Rajnandgaon). About the Absence of the Simplex
Group at the Conciliation Meeting with PESS on 8.11.90.

8/11/90


दिनांक 21/11/90

मौखिक की ओर से श्री राधबिलास मेंडल
अवरल सचिवरी, राजेन्द्रदास सिद्धम, पी.के.
नन्दी सिद्धम, मधुबार्ती उपस्थित।

प्रबंध पत्र की ओर से अनुपस्थित।

किंतु उनका रुकें पत्र प्राप्त हुआ है किंतु प्रबंधक
की अनुपस्थिति के कारण प्रकरण पर कोई कार्य
नहीं हो पा सका।

प्रकरण के आगामी बैठक दिनांक 19/11/90
को संबंध निश्चित हो जावे।


19/11/90
राजबिलास मेंडल


8/11/90

GR.PRJ--FS/169--2-12-85-1370(60) प्र.क.2161

8-11740

EXHIBIT NO.6

Financial Statement of Bhilai Wires Ltd. Claiming a Fall in Sales and Profits due to Disturbed Labour Situation in Bhilai.
(Source: Economic Times, New Delhi, 29.11.91)



BHILAI WIRES LIMITED

Regd. Office : Industrial Area, Bhilai (M.P.)

**UNAUDITED FINANCIAL RESULTS (PROVISIONAL)
OF SIX MONTHS ENDED 30TH SEPTEMBER, 1991**

(Rs in lacs)

| | Six months ended 30th Sept. 1991 | Corresponding 6 months in the previous year | Previous Accounting year |
|--|--|--|--------------------------------|
| 1. Net Sales / Income from Operations (Exclusive of Excise Duty) | 658.72 | 835.32 | 1,622.20 |
| 2. Other Income | 0.54 | 0.54 | 3.07 |
| 3. Total Expenditure | 567.53 | 753.66 | 1,464.74 |
| 4. Interest | 59.27 | 42.05 | 91.30 |
| 5. Gross Profit (+)/Loss (-) after interest but before depreciation and taxation (1 + 2 - 3 - 4) | 32.46 | 40.13 | 69.23 |
| 6. Depreciation | 21.00 | 18.00 | 30.26 |
| 7. Provision of Taxation | 6.00 | 10.00 | 15.90 |
| 8. Net Profit (+)/Loss (-) (5 - 6 - 7) | 5.46 | 12.13 | 23.07 |
| 9. Paid-up equity share capital | 114.93 | 52.34 | 52.34 |
| 10. Reserves excluding revaluation reserves | | | 144.03 |

NOTES :

- The above results were taken on record by the Board of Directors by passing Resolution by Circulation on 26th November, 1991.
- Due to disturbed labour situation in the entire Industrial Area of Bhilai, operating result for the current half year has been adversely affected.
- Modernisation and Updatement Scheme has been completed at the end of the current half year.

For BHILAI WIRES LIMITED
Sd/-

(H.P. KHETAWAT)

Chairman-cum-Managing Director

Initial Part of the Tape-Recorded Statement of Shri Shankar Guha Niyogi Discovered by his Family After his Assassination
(Note: The original audio-tape was handed over to the Police investigation team on 6.10.91)

"मैं जानता हूँ ये लोग मेरे जान के पीछे पड़ा हुआ है।....
पर मुझे मारने से हमारे आंदोलन को कोई समाप्त नहीं कर सकेगा।"

- कामरेड शंकर गुहा नियोगी का आखिरी संदेश -

"भिलाई के उद्योगपतियों ने जिस प्रकार बूठ और करब का राज्य चला रहा है, उन्होंने जिला प्रशासन को जिस प्रकार दबाव डाला है, उन्होंने मुझे जो जिस प्रकार पूनिया के सपर्यको या पूनिय के नेताओं के ऊपर जानसेवा बनने करने के लिये उकसा रहा है, इससे यह बात दिखते जा रहा है कि किन्ट भविष्य में वहाँ ऐसी कुछ घतत काम संगठित हो सकेगा जिससे मजदूर आंदोलन के ऊपर एक बयंकर खूंखार इमता के जरिये उसे चकनाचूर करने के लिये, उसे खल करने के लिये एक आखिरी प्रयास हो सकेगा।"

परंतु मजदूर बर्ग इस बात को जानता है कि पूनीयति क्लिना भी ताकतवार क्यों न हो, उससे मुकाबला होने लगता ही होगा। अगर हम सही ढंग से मुकाबला न कर सके, अगर हम इन खूंखार भक्तिओं के खिलाफ अपनी सारी ताकत न लगा सके तो फिर ऐसी कुछ पूनीयतियों की दायगीरी हर बल बलता रहेगा। परंतु जनवादी प्रक्रिया के आंदोलन को इन खूंखार दरिदों ने इमेशा-इमेशा की तरह हमला करने ही रहेंगे। इसलिये मुकाबला की आवश्यकता है और मुकाबला हमें करना ही होगा।"

मैं जानता हूँ कि ये लोग मेरी जान के पीछे पड़ा हुआ है। मैं इस बात को अच्छी तरह से जानता हूँ कि हो सकता है इस आंदोलन के दरम्यान ये मुझे मार डालेंगे। मृत्यु सबके लिये आयेगा - मेरे लिये भी आयेगा। आज नहीं तो कल। एक साल बाद या परसाल बाद - फल में दिना मैं जानता हूँ यह दुनिया बहुत सुर है। मैं यह चाहता हूँ कि इस दुनिया में ऐसी व्यवस्था कायम करने के लिये, जहाँ शोषण नहीं रहेगा, जहाँ महानतकश

मजदूर- किसान शांति से अपना जीवन जीयेगा; परंतु मैं चाहने से सब कुछ नहीं होने वाला है। मुझे मेरी जिदगानी पूरी करना है। मैं सुदूर दुनिया को अवश्य प्यार करता हूँ परंतु मेरा कर्तव्य, मेरा काम, मेरे लिये सबसे प्यारा है। मैं जिस जिम्मेदारी को लिया हूँ, उठाया हूँ उस जिम्मेदारी को मुझे पूरा करना ही होगा और ये लोग मुझे मार डालेंगे फिर भी मैं जानता हूँ मुझे मारने से हमारे आंदोलन को कोई समाप्त नहीं कर सकेगा। यह जरूर है कि यह बात निश्चित रूप से सामने आयेगी कि मेरे मृत्यु के बाद कौन मुझे मारा। मेरे मृत्यु के पीछे कौन जिम्मेदार है।"

साम्प्रतिक के लोग - जिस प्रकार से बदमासी कर रहा है, विशेष रूप से मूलचंद जिस प्रकार से क्रिमिनल लोगों को इकट्ठा कर रहा है। उधर प्रमुनाथ मिश्रा है जो शांतिपाल जैन का दोस्त भी है। तमने जिस प्रकार उसका बाई गुंडा है, उसने भी पूरा जोर कोशिश कर रहा है कि यहाँ ये ऐसी कुछ अयटन घटाया जाये। कैडिया बहुत छातू आदमी है। उससे ही मुझे यह विश्वास है कि मूलचंद और कैडिया येदो ही आदमी आज इस समय ये सारे साजिश के पीछे है। मैं आशा से इस बात को पूरा समझने जा रहा हूँ कि ये दोनों व्यक्ति लगातार यहाँ के जो आई.टी. - इन्स्पेक्टर अनन्त आफ पुलिस डे. मिस्टर सिंह, उसके साथ मिलकर एक बड़ा साजिश में जुटा हुआ है। और इसलिये मैं इस बात को, मेरे दिल की भावना को मैंने टेप रिकार्ड के जरिये से रिकार्ड करके जा रहा हूँ और क्वॉकि शायद बहुत जल्दी कुछ होने वाला है इसलिये ये रिकार्ड हमारे साक्ष्यों को ये सारे बातों को समझने में मदद करेगा।"

- यह उक्त वक्तव्यपूर्ण टेप का मुरुआती अंश है जो नियोगी की हत्या के बाद 23.5 पर में मिला 6-10-91 एवं यह टेप पुलिस जाब दत को लॉग नया था

उत्तर 6/1 माउ "10.11" 11 24.3 27802, 16

(Source: MITAN, a CMM Journal, October, 1991)

**SOLIDARITY COMMITTEE IN SUPPORT OF CHHATTISGARH WORKERS
STRUGGLE**

(Evolved from September 28, 1991 onwards)

The Committee comprised of representatives of the following organisations:

1. AITUC (Delhi) 2. AICCTU 3. All India League for Revolutionary Culture 4. Action India Women's Programme 5. Ankur 6. All India Youth Federation 7. All India Students' Association 8. Bhopal Group for Information and Action, Bhopal 9. Bharat Naujawan Sangh 10. Bandhua Mukti Morcha 11. Centre for Education and Communication 12. CENDIT 13. CITU (Delhi) 14. Communist Ghadar Party 15. Chhatra Yuva Sangharsh Vahini 16. Citizens for Democracy 17. Centre for Development Institute 18. Disha Chhatra Samudaya 19. Delhi Forum 20. Delhi Radical Students' Organisation 21. Delhi Sanitary Project Lal Jhanda Union 22. DSSSS 23. Delhi Union of Working Journalists 24. DCM Union 25. Hind Mazdoor Kisan Panchayat 26. Hind Mazdoor Sabha 27. Indian Federation of Trade Unions 28. Indian People's Front 29. JNU Teachers' Association 30. Jan Chetana 31. Janandolan Samanvay Samiti 32. Kamani Employees' Union, Bombay 33. Lokayan 34. Mazdoor Ekta Committee 35. Magic Lantern Foundation 36. Narmada Bachao Andolan 37. Noida Employees Union 38. National Democratic Front 39. Nishant Natya Manch 40. Nirman Mazdoor Panchayat Sangam 41. National Campaign for Housing Rights 42. National Federation of Trade Unions 43. People's Union for Democratic Rights 44. People's Rights Organisation 45. PRIA 46. People's Union for Civil Liberties 47. Pratidhwani 48. Sampradayikta Virodhi Andolan 49. Sabla Sangh 50. Saheli 51. Scientific Workers's Forum, West Bengal 52. Shadeed Bhagat Singh Naujawan Sabha 53. Samata Sangathan 54. Samajik Nyaya Morcha 55. Samajwadi Samnvay Samiti 56. Samwad 57. Teesri Duniya Adhyayan Kendra 58. Upkar 59. Uttarakhand Sangarsh Vahini 60. UTUC 61. UTUC (Lenin Sarani) 62. Vikalp, Saharanpur 63. Voluntary Action Network India 64. Yuva Prayas and others.

Apart from the above-named organisations, large number of students, teachers, professionals, artists, activists, writers and other intellectuals also attended and actively contributed to the Solidarity Committee. They are not being named here for want of space.

ITINERARY OF THE CITIZENS' COMMITTEE IN CHHATTISGARH**23.11.91**

- 9.00 a.m. - 11 p.m. Visit to Kumhari Industrial Area, Distt. Durg: Session with workers of Chhattisgarh Distilleries and visit to one of its Bottle Washing Units operating on contract outside the factory.
- 11.30 a.m. - 2.30 p.m. Open Session at Coffee House, Supela, Bhilai with citizens and workers
- 3.30 p.m. - 7.30 p.m. Meeting with representatives of various trade unions in Bhilai.
- 7.30 p.m. - 9.30 p.m. Meeting with representative of various political parties in Bhilai.

24.11.91

- 9.00 a.m. - 11.30 a.m. Meeting with Bhilai-based industrialists and their representatives.
- 11.30 a.m. - 1.00 p.m. Meeting with Collector, S.P. & I.G. of Dist. Durg (none of them turned up despite repeated requests).
- 2.00 p.m. - 4.00 p.m. Meeting with industrialists (contd).
- 4.00 p.m. - 4.30 p.m. Meeting with a delegation of workers and citizens from the Tedesara Industrial Area, Dist. Rajnandgaon.
- 5.30 p.m. - 7.00 p.m. Meeting with journalists at Raipur.
- 8.30 p.m. - 9.30 p.m. Meeting with a delegation of Chhattisgarh Mukti Morcha in Raipur.

25.11.91

- 10.00 a.m. - 11.30 a.m. Meeting with Commissioner(Raipur Division) and Collector(Dist. Raipur).
- 12.00 p.m. - 3.00 p.m. Visit to Urla Industrial Area, Dist. Raipur: Open session with workers and citizens.
Visit to Editors of various newspapers at Raipur.
- 4.00 p.m. - 5.30 p.m. Meeting with intellectuals and politicians at Raipur.

27.11.91

- Visit to Bilai Industrial area for collecting documents (whole day).
- Visit to Chhattisgarh Distilleries at Kumhari for studying working conditions (6.00 p.m. - 10.00 p.m.).

28.11.91

- Visit to Dalli Rajhara, Distt. Durg, for collecting documents on the history of the movement led by CMM (whole day).

A Sample of the Front-Page Advertisement Inserted by the Citizens' Committee on 23.11.91 in all the Leading Hindi and English Newspapers of Raipur

सूचना

आम जनता को सूचित किया जाता है, कि एक नागरिक समिति इस अंचल में दौरा कर उन परिस्थितियों का अध्ययन कर रही है जिसकी परिणति मजदूर नेता शंकर गुहा नियोगी की हत्या में हुई। शिलाई औद्योगिक क्षेत्र में चल रहे श्रमिक आंदोलन और उसके दौरान सरकार की भूमिका एवं औद्योगिक शांति और नागरिक अधिकारों की सुरक्षा हेतु सुझाव देने के उद्देश्य से यह समिति शनिवार दिनांक २३.११.१९९१ को ११ बजे से १ बजे विन में प्रेस कन्फ्रेंस हाल इंडियन क्लब हाउस, (आकाशगंगा कॉम्प्लेक्स) सुपेला- शिलाई में आम नागरिकों से मिलेगी, जब इस विषय पर मौखिक प्रतिवेदन लिया जावेगा।

- नागरिक समिति के सदस्य इस प्रकार हैं -

- माननीय श्री डी.एस. तेवतिया - पूर्व मुख्य न्यायाधीश कलकत्ता - हाई कोर्ट
- माननीय श्री कुलदीप नैयर - वरिष्ठ पत्रकार एवं भारत के ब्रिटेन में पूर्व हाई कमिश्नर
- माननीय श्री विजय तेंदुलकर - प्रतिष्ठित लेखक एवं प्रख्यात नाटककार
- डॉ. अनिल सद्गोपाल - वैज्ञानिक एवं शिक्षाविद
- श्री राकेश शुक्ल - अधिवक्ता, सुप्रीम कोर्ट

संपर्क पता :-

कमरा नं. १२५

पुरोहित लॉज

दुर्ग (म.प्र.)

फोन नं.- ३७८१, २९४१

(राकेश शुक्ला)

सदस्य सचिव

PUBLISHED ON 23/11/91
NAVGARAT-RAIPUR/RAIPUR

ANNEXURE IV (A)

I. **REPRESENTATIVES OF POLITICAL PARTIES**

1. CONGRESS (I) Shri Keyur Bhushan, Ex-MP Raipur
Shri Prakash Ram Kurre, State
Gen. Secy., Sechedule castes Madhya
Pradesh Cell
2. JANATA DAL Shri Pradeep Choubey Ex-MLA, Durg
Shri Ramesh Varlyani Ex-MLA, Raipur
Shri Iqbal Singh Oberoi, President
Yuva Janata Dal, Bhilai
3. SAMAJWADI JANATA PARTY Shri K.L Tiwari, State Gen. Secy.
Madhya Pradesh
4. INDIAN PEOPLES FRONT Dr. Shambhu Singh, Dist. President
Durg.
Shri Shyam Kumar Vidrohi, Dist.
Secy Durg
5. C.P.M. Shri Sukhranjan Nandi (DYFI)

II. **TRADE UNION REPRESENTATIVES**

1. INTUC Shri R.L. Yadav, Gen. Secy., Metal & Mines
Workers Union
2. CITU Shri Suraj Singh, Jt.Secy., Hindustan Steel
Employees Union
3. TUCI Shri S. Ranjan, President, Bhilai Unit
Shri Mohammad Sahin, Secy., Bhilai Unit
4. AICCTU Shri Jagnarayan Choudhary, Vice President
Janwadi Mazdoor Extta Kendra
Shri Sheikh Ansar Vice President
Shri S.K. Singh, Vice Presentent
Shri S.L Chauthan, Convenor,
Janawadi Mazdoor Ekta Kendra.
5. PESS* Shri N.R. Ghoshal, Org.Secy.,
Shri Bharat Bhushan Pandey, Secy.

- | | |
|-----------|---|
| 6. PCSS* | Shri Bharat Lal Chauhan, Vice President |
| 7. CCMMS* | Shri Bhimrao Bangde, Vice Preident |
| 8. CRPKS* | Shri Shreekant Thakur |

*Pragatisheel Engineering Shramik Sangh (PESS)

*Pragatisheel Cement Shramik Sangh (PCSS)

*Chhattisgarh Chemical Mills Mazdoor Sangh (CCMMS)

*Chhattisgarh Rajya Parivahan Karmachari Sangh (CRPKS)

III. INDUSTRIALISTS / MANAGEMENT REPRESENTATIVES

- | | |
|--------------------------------|---|
| 1. Simplex Group of Industries | Shri Arvind Shah, Director Shri Shailesh Shah, Director Shri Deepak Shah, Director |
| 2. Beekay Engg. Co. | Shri Vijay Gupta, Director Shri M A H Quereshi, Dy Gen Manager (Personnel & Admn.) |
| 3. Bhilai Engg Corp. | Shri B.R. Jain, Chairman (also Chairman, Bhilai In- dustries Association) Shri P.K. Moitra, Legal Advisor |
| 4. Kedia Group of Distilleries | Dr Shivendra Srivatsava, Executive Director & Gen Manager Shri B.L Banka, Director Shri T.C. Seth, Director Shri Rajiv Newatia, Director |

IV. VOLUNATARY BODIES

- | | |
|---|---|
| 1. People's Union for Civil Liberties (PUCL), Raipur Unit | Shri R.K. Sail, National Org.Secy. |
| 2. RUPANTAR, Raipur (a central Govt.- funded organisation doing non- | Dr.(Smt) Ilina Sen, a Social Scientist & |

| | |
|--|--|
| Formal education & literacy work) | author of a study on Women's role in the Chhattisgarh Movement |
| 3. Theatre Group-Bhilai | Shri Yash Oberoi, Dramatist |
| 4. Pragatisheel Adhivakta Samiti, Bhilai | Shri Thomas K. Bose, Advocate |

V. PRESS

| | |
|--------------------------|-----------------------------|
| 1. Amrit Sandesh, Raipur | N.A. |
| 2. Desh Bandhu, Raipur | N.A. |
| 3. Nav Bhaskar, Raipur | Shri Praful Jha |
| 4. Bhilai Times, Bhilai | Dr. Devi Das (Chief Editor) |

ANNEXURE IV (b)

EDITORS AND NEWSPAPER OFFICES VISITED BY SHRI KULDIP NAYAR IN RAIPUR

| NO. Name of Newspaper | Editor/Editorial Staff |
|------------------------------|--------------------------------|
| 1. Desh Bandhu | Shri Lalit Surjan. EDITOR |
| 2. Nav Bhaskar | Shri Ramoo Srivastava , EDITOR |
| 3. Samvet Shikhar | Shri Kumar Sahu , EDITOR |
| 4. Swadesh | Editorial Staff |
| 5. Raudramukhi | Editorial Staff |
| 6. Sandesh Bandhu | Editorial Staff |

List of Workers Shown as 'Contractors' by the Management

SIMPLEX ENGINEERING & FOUNDRY WORKS PVT. LTD. UNIT III
TEDESARA, RAJNANDGAON

(These persons do not have a single worker under them and work themselves as labourers)

- | | |
|------------------------|------------------------|
| 1. P.K. THOMAS | 12. UMESH KUMAR |
| 2. VIDYASAGAR | 13. RADHESHYAM SAHU |
| 3. SUDHIR KUMAR | 14. RAMGULAL |
| 4. NARSINGH CHANDRAKAR | 15. B.P. GUPTA |
| 5. D.L. SINHA | 16. KHUMANLAL DESHMUKH |
| 6. C.P. CHANDRAKAR | 17. LAKKHIKANT |
| 7. N.R. SAHU | 18. RAMAKANT |
| 8. BEJOY RAJAN | 19. CHANDRASHEKHAR |
| 9. KUNJ MOHAN | 20. S.K. JHA |
| 10. AJAY DAS | 21. RAJBALI. |
| 11. LALIT KUMAR JHA | |

(Source: Shri D. Sanjivi, Advocate, Bhilai)

A SAMPLE CHARTER OF DEMANDS OF A CMM-AFFILIATED UNION

PRAGATISHEEL ENGINEERING SHRAMIK SANGH

Industrial Estate, Nandini Road, Bhilai
Distt. Durg, Madhya Pradesh.

Regd. No. 4119

Ref. No. PESS/B/90/ SC-4

Dated 15.10.90

To

The Managing Director,
Simplex Steel Casting Ltd.
Urla
Dist. Raipur

Sub.: Charter of demand of the workers working in your industry, in continuation of our previous charter of demands raised on 31/9/90 Refer No. SC/90/1.

Sir,

We know that so far, you have not changed your attitude of ignoring our union. Our efforts to persuade you to follow the constitutional means have fell into deaf ears.

It is now crystal clear that more than 90% of the workers, working in your industry have joined our union. We do not wish to disrupt production by calling an indefinite strike for the fulfilment of our demands. But, if the employer continuously adopts the tactics of intimidation, physical assaults, humiliation and provocations by fielding the well known "dalaals" in the factory campus, there will be no alternative for us, but to go on strike on Monday the 15th November, 1990.

Our union requests you again to give up these unfair labour practices and settle the long pending demands of the workers amicably. The following may kindly be considered with priority.

OUR DEMANDS

1. Illegal contractual system should be abolished and all the contractual workers, including the supply workers, should be provided permanent employment with all benefits.

- Matters provided in the Standard Standing Orders regarding tickets, cards service book etc. should be implemented. Wage slip/CPF slip should be provided.
2. A fair wage and other facilities should be provided with retrospective effect. Union's proposal regarding the wage structure etc. is mentioned in the annexure.
 3. All the workers should be provided loans for construction/possession of a house.
 4. a) Annual bonus for the year 89-90 should be provided at a rate of 20%.
b) A scheme for monthly incentive bonus should also be formulated in consultation with the union.
 5. C.P.F. and Gratuity payment should be made applicable for all the workers from retrospective effect.
 6. Leave/holidays should be provided as under:
 - i) 15 Casual leave
 - ii) 10 Festival leave
 - iii) 30 Medical leave
 - iv) Any earned leave as per the rules
 - v) Full daily wage should be paid for the injury leave, from the retrospective effect.
 7. All measures should be taken to prevent any accident in the work-place and safety appliances should be provided as per the requirement.
 8. Working hours should be 8 hours as per the Act and shifts should be fixed from 6 A.M. to 2 P.M., 2 P.M. to 10 P.M. and 10 P.M. to 6 A.M.
 9. Proper Medical facilities should be provided to the workers, their family members in the Bhilai Steel Plant Hospital.
 10. The repression/victimisation has become a routine in the life of the workers these days. So all the victimized workers should be reinstated from retrospective effect.

Thanking you.

Yours sincerely,

sd/-
(N.R. Ghoshal)
Org. Secretary

sd/-
(Shankar Guha Niyogi)

sd/-
(Ram Bilas Mandal)
General Secretary

Copy to:-

1. Collector, Raipur
2. A.L.C. (State) Raipur
3. D.L.C.(State) Raipur.

ANNEXURE FOR DEMAND NO. 2**1. PAY SCALE (BASIC)**

| | | |
|----|-----------------------------|----------------------|
| a) | Un-Skilled | 1350-20-1630 |
| b) | Semi-Skilled | 1415-28-1611-32-1835 |
| c) | Skilled | 1500-43-1801-50-2151 |
| d) | Skilled with Specialisation | 1690-73-2201-80-2771 |
| e) | Supervisor | 1790-93-2371-90-3001 |
| f) | Ministerial Grade - I | 1425-43-1726-53-2002 |
| g) | Ministerial Grade -II | 1690-73-2201-80-2761 |

2. ALLOWANCES

| | | |
|----|--------------------------------------|--|
| a) | Cycle Allowance | - Rs. 100/- per month |
| b) | House Rent Allowance. | Rs. 200/- per month or an accomodation in M.P.H.B. |
| c) | Shift Allowance (for night shift) | - Minimum Rs. 10/- per night shift. |

3. LEAVE FACILITIES

| | | |
|----|----------------|------------------|
| a) | Casual Leave | - 15 days |
| b) | Festival Leave | - 10 days |
| c) | Medical Leave | - 30 days |
| d) | Earned leave | - As per the Act |

| | | |
|----|------|---|
| 4. | D.A. | - <u>Linked with A.I.C.P.I.</u> per point Rs. 1.65 should be paid. |
|----|------|---|

Views Expressed by Shri B.R. Jain Chairman, Bhilai Industries Association, Regarding Shri Shankar Guha Niyogi in November, 1990
(Source: Amar Kiran, Durg, 30.11.90)

Note: Contrast these views with those expressed by Shri B.R. Jain in ANNEXURE VII (b) soon after Shri Niyogi's assassination

औद्योगिक अशांति के लिए राजहरा का नेता जिम्मेदार: जैन

• अरविंद सिंह

भिलाईनगर, २९ नवंबर। 'इन दिनों भिलाई के औद्योगिक क्षेत्र का सततन बिगड़ गया है जिसकी वजह से औद्योगिक अशांति व उद्योग मालिकों एवं मजदूरों के बीच बरतों पुराने माधुर संबंधों में दरार पैदा हो गई है और इसके लिये राजहरा के एक श्रमिक नेता ही जिम्मेदार है।'

उत्साह के विचार आज यहाँ आयोजित एक प्रेस बार्ता में भिलाई इण्डस्ट्रीज एसोसिएशन के अध्यक्ष श्री बी.आर. जैन ने व्यक्त करते हुए कहा कि भिलाई स्थित औद्योगिक क्षेत्र से केन्द्र व राज्य सरकारों को करीब २०० करोड़ रु. की राजस्व प्राप्त होती है और इन उद्योगों में कार्यरत मजदूरों की म.प्र. शासन द्वारा निर्धारित न्यूनतम वेतन ५६० रु. से अधिक एक हजार से बाढ़ू ची रु. प्रतिमाह की प्राप्ति हो रही है।

श्री जैन ने बताया कि भिलाई स्थित सभी औद्योगिक प्रतिष्ठानों की वार्षिक उत्पादन क्षमता लगभग ६०० करोड़ रु. है और इन उद्योगों में श्रम व फैक्टरी कानूनों का पालन नहीं होना रहता तो आज ये सभी उद्योग बंद हो जाते।

उन्होंने कहा कि श्रम, श्रमिक व कारणाने से संघर्षित ४६ एजेंसियाँ हैं जो समय-समय पर इन कम्पनियों में कानूनों की नब्ब टटोलती रहती है कि इन कानूनों का पालन हो रहा है या नहीं। यही वजह है कि पिछले ३० वर्षों से औद्योगिक क्षेत्र में मालिकों-मजदूरों के बीच माधुर संबंध बने हुए थे।

श्री जैन ने ध्यान दिलाया कि राजहरा के एक मजदूर नेता के भिलाई प्रवेश से सम्पूर्ण औद्योगिक क्षेत्र में अशांति व दहशत का वातावरण पैदा हो गया है।

श्री जैन ने आगे आरक्षण लगाया कि जिला व पुलिस प्रशासन दोनों ही गलत व झूठी शिकायतों पर ज्यादा ध्यान देते हैं जिससे औद्योगिक क्षेत्र में अशांति का वातावरण बनता जा रहा है जिसे दूर करने राज्य सरकार के प्रचार माध्यमों से श्रमिकों के जागृति बाने का काम करना चाहिए।

एसोसिएशन के अध्यक्ष श्री जैन ने बुलंद रूप में स्पष्ट कर दिया है कि उद्योग मालिक केवल मान्यता प्राप्त संगठनों से ही बातचीत करने पर विन्यास रखते हैं इसलिए उद्योग मालिक कथित मजदूर नेता से किसी प्रकार का सम्बन्ध नहीं कर सकते हैं।

श्री जैन का कहना था कि राजहरा के श्रमिक नेता की वजह से भिलाई औद्योगिक क्षेत्र में अस्थिरता बनी हुई है और इससे उद्योगों की विनयवाँ भी प्रभावित हुए बिना नहीं रह पाई है। इसी माहौल के चलते औद्योगिक क्षेत्र स्थित जायसवाल इन्टरप्राइजेस तथा नागपुर इंजीनियरिंग कम्पनी वृी तरह बंद हो चुकी है और लगभग ७०० मजदूर बेरोजगार हो गए हैं। उन्होंने कहा कि भिलाई क्षेत्र में स्थित उद्योगों में किसी भी मजदूर का शोषण नहीं होता है तथा माँ हला शब्दों जिनकी



संस्था काफी कम है उनसे आठ घंटे से अधिक कार्य नहीं कराया जाता है।

आर.के. इण्डस्ट्रीज से संबंधित एक सवाल के जवाब में श्री जैन ने स्वीकार किया है कि इस इण्डस्ट्रीज में लगी आग की जांच सी.बी.आई. से नहीं कराई जाती बाहिए क्योंकि इसमें अनावश्यक विलंब होता है जबकि जांच का काम किसी मजिस्ट्रेट से कराया जा सकता है तथा परिणाम जल्दी प्राप्त हो जायेगा।

श्री जैन ने बताया कि आर.के. इण्डस्ट्रीज में लगी आग के बाद भिलाई इण्डस्ट्रीज एसोसिएशन में ४ लाख रु. की सहायता राशि प्रदान है।

श्री जैन ने कहा कि अन्य राज्यों से श्रमिक आगति होती है उससे भिलाई के उद्योगों को अन्य राज्यों से आर्द्र प्राप्त होने लगते हैं। लेकिन यही स्थिति भिलाई में कायम रही तो भिलाई के उद्योगों को आर्द्र किन्तु बंद हो जायेगी जिससे मजदूर वर्ग को ही नुकसान पहुँचेगा। भिलाई क्षेत्र के मजदूरों में आपसी भेदभाव व अस्तित्व नहीं है और वे प्रेमपूर्ण काम कर रहे हैं।

पत्रकार बार्ता में सर्वश्री मूलचंद शाह, बीजू जैन, राजेश माधुर, अरविंद जैन, राजेश गुप्ता, रमन पिल्ले एच अन उपस्थित थे।

Views Expressed by Shri B.R. Jain, Chairman, Bhilai Industries Association, Regarding Shri Shankar Guha Niyogi in October, 1991.
(Source: Shri Jain's Press Statement at his Bhopal Press Conference on 3.10.91)

भिलाई इन्डस्ट्रीयल एसोसिएशन

प्रेत-वक्तव्य

मध्यप्रदेश के छत्तीसगढ़ अंचल के औद्योगीकरण तथा विकास के श्रेय का कुछ अंश उन उद्योगपतियों के हितों में भी जाता है जिन्होंने प्रारंभिक कठिनाईयों और अनुविदाओं के बीच उद्योग स्थापित किये थे। यह बात भी कम महत्वपूर्ण नहीं है कि पिछले पैंतीस वर्षों से क्षेत्र का औद्योगिक वातावरण सामान्यतः ज्ञात रहा है। औद्योगिक विकास के साथ ही ट्रेड युनियन गतिविधियाँ विकसित हुईं। लेकिन उद्योगपतियों और ब्रिक्को के बीच संबंध सुधुर बने रहे। यदि कभी संबंधों में बिंपाव भी आया तो पारस्परिक चर्चा और सहयोग से समाधान ढूँढ लिये गये।

इस वातावरण की पुष्टमूर्ति में ब्रिक्को नेता श्री अंबर गुहा नियोगी की श्रावणीपूर्ण हत्या शेषा जपन्य कृत्य है जिसकी निन्दा सभी नागरिक करेंगे भिलाई क्षेत्र के उद्योगपति इस घटना से आतंकित हुए हैं। क्योंकि श्री नियोगी केवल सुचारु ब्रिक्को नेता ही नहीं, रघुनाथक विचार रखने वाले एक सुधारक भी थे। उन्होंने अपने नेतृत्व से ब्रिक्को को अनुशासनपूर्ण संघर्ष की दिशा दी थी, जिसकी सराहना उनके विरोधी भी करते रहे हैं। उनके उपसर्ग पर श्री नियोगी से चर्चा के बाद समस्याओं का हल निकाला गया। पिछले चार महीनों से भिलाई का औद्योगिक वातावरण अपेक्षाकृत ज्ञात था।

इन परिस्थितियों में श्री नियोगी की हत्या के तुरन्त बाद श्रु की अंगली उद्योगपतियों की ओर धुमा देने की जो कोशिश हुई उससे भिलाई के उद्योगपतियों को समन्वित पीड़ा होना स्वाभाविक है। जातिर उद्योगपति भी समाज के ही अंग हैं और उद्योगों का संवाहन कर राष्ट्रीय उत्पादन में योगदान देने हैं तथा एक निश्चित दायरे में रोजगार भी जुटाते हैं। आज के युग में ब्रिक्को को अस्तुष्ट रखकर कोई भी उद्योग सही ढंग से नहीं चल सकता, इस तथ्याई से उद्योगपति बेखबर नहीं हैं। उन्हें ब्रिक्को से काम लेना होता है और उनका पायब लिखा संरक्षण करना होता है, उनका नेतृत्व बोन कर रहा है, इसकी चिन्ता करने की जरूरत नहीं होती। ब्रिक्को-लिखा और उद्योग-लिखा के बीच कोई टकराव नहीं होता, ब्रिक्को दोनों पक्ष चिक्के से काम लें। हमारी स्पष्ट मान्यता है कि भिलाई में औद्योगिक वातावरण शान्तिपूर्ण रखने में इस चिक्के की मौजूदगी हमेशा बनी रहती है और इसका श्रेय ब्रिक्को नेताओं को भी है।

हम लोग यह माँग कर चुके हैं कि ब्रिटेन नियोगी की हत्या की उच्च स्तरीय जांच कराई जाये और अपराधियों को कटघरे में खड़ा किया जाये । तभी हम उद्योगपतियों पर अप्रत्यक्ष रूप से लगाया गया लांछन दूर होगा । हम पुनः इसी माँग को दोहराते हैं ।

इसके साथ ही हम प्रेस से भी अनुरोध करते हैं कि बिना जांच या न्यायिक प्रक्रिया के उद्योगपतियों पर शक की लूई घुमा देने से पूरे क्षेत्र के औद्योगिक वातावरण पर विपरीत प्रभाव पड़ सकता है । हम ऐसा मानते हैं कि प्रेस ने हमें कटघरे में खड़ा कर दिया है । इसलिये हम पूरी स्थिति को साफ-साफ शब्दों में रख देना अपना कृतवप्य समझते हैं । एक ऐसे घिनौने अपराध से हम लोगों को सम्बद्ध किया जा रहा है जिसकी कल्पना भी नहीं कर सकते । हम हिंसा के सबसे ज्यादा विरोधी हैं क्योंकि हिंसक वातावरण के बीच उद्योग और व्यवसाय धन्य नहीं सकते, विकास की बात तो सोची भी नहीं जा सकती, दुर्भाग्य से जो वातावरण निर्मित हुआ है उसमें उद्योगपति असुरक्षित और आशंकित हैं, उद्योग बन्द हैं, नागरिकों और श्रमिकों में उत्तेजना है । हमारा आग्रह इतना ही है कि समस्त परिस्थितियों के परिप्रेक्ष्य में प्रेस सामाजिक समरसता का वातावरण पुनर्स्थापित करने में सहयोग दे और अपराधियों को शीघ्र पकड़वाने के लिये दबाव बनाये ।

दिनांक : 3. 10. 1991.

श्रीमान

हस्ताक्षर/-

|| बलवंत राय जैन ||

अध्यक्ष

भिलाई इंडस्ट्रीज एसोसिएशन

Views of Various Political Leaders on Working Conditions and Industrial Relations in Bhilai (1990-91)

- a) **Mr. Ravi Arya, National Organising Secretary of the INTUC & ex-MLA:**

"... अधिकांश औद्योगिक इकाईयों में वेतन- स्तर और सुविधायें बहुत ही कम हैं और असंतोषजनक... वर्षों तक काम करने के बाद भी वह अस्थाई... कभी भी काम से निकाल दिया जाता है। हमारे देश में प्रचलित श्रम कानून के अंतर्गत जो सामाजिक सुरक्षा और सुविधायें श्रमिकों को मिलनी चाहिये, वह भी उन्हें नहीं मिलता। इसके पीछे सबसे बड़ा कारण यह है कि अनेक निजी उद्योगों के मालिकों ने अभी तक इस बात को नहीं स्वीकारा है कि मजदूरों को संगठित होने का अपना संगठन बनाने का, और अपनी स्थिति सुधारने के लिये मांग करने का मौलिक और संवैधानिक अधिकार है।"

(In an interview to Shri Ajay Pandey, Nav Bhaskar, 11.3.91).

- b) **Shri R.K. Aggi, National Organising Secretary of BMS:**

"... शंकर गुहा नियोगी के आंदोलन का हम समर्थन करते हैं।... वैसे हम भी इन्हीं मांगों के लिये लड़ रहे हैं।"

- c) **Shri Leela Ram Bhojwani, Labour Minister, Govt. of M.P.:**

"... छत्तीसगढ़ के श्रमिकों के शोषण का प्रमुख कारण यहां की ठेकेदारी प्रथा है।"

(Nav Bhaskar, 17.3.91)

- d) **Shri Keyur Bhushan, ex-M.P. from Raipur & Congress I Leader:**

"... रिमप्लक्स के मजदूरों को, जिन्हें आज सात वर्ष से लेकर पंद्रह वर्ष हो गये हैं, उनके बीच किसी भी प्रकार की सेवा- शर्तों को लागू नहीं किया गया है। इनकी सेवायें नितांत असुरक्षित हैं... पूरे के पूरे श्रमिक ठेकेदारी प्रथा के अंतर्गत काम कर रहे हैं।"

(Amrit Sandesh, 3.5.91)

e) **Shri R.K. Mishra, General Secretary, BMS:**

"... भिलाई औद्योगिक क्षेत्र, नंदिनी रोड में निरंतर उद्योगपतियों द्वारा धन तथा बाहुबल के जोर पर शोषण किया जा रहा है। ... इस क्षेत्र के सबसे बड़े उद्योग सिम्पलेक्स ग्रुप ने तो शोषण करने में अपना कीर्तिमान कायम किया है।"

(Nav Bhaskar 23.9.90)

f) **Shri Shambhu Singh, President IPF:**

"... भिलाई औद्योगिक क्षेत्र में वर्षों से कार्यरत श्रमिकों को आज भी मजदूर अधिनियम के तहत सुविधा उपलब्ध नहीं है, जिससे उनके परिवार पशुओं की तरह जीने के लिये विवश हैं।"

(Amar Kiran, 26.11.90)

g) **Shri Mohan Bhaiyya, ex-M.P. Durg of the BJP:**

"... श्री मोहन भैया ने सवाल पूछा है कि नियोगी को भिलाई क्षेत्र में क्यों आना पड़ा? क्या सच नहीं है कि सिम्पलेक्स उद्योग समूह अपने मजदूरों को न्यूनतम मजदूरी नहीं देता रहा है? ... दस- दस वर्षों से मजदूर काम कर रहे हैं लेकिन उन्हें स्थाई नहीं किया जाता है। सिम्पलेक्स समूह सारा काम ठेकेदारी से कराते हैं।"

(Reported in Amar Kiran, 19.9.1990)

h) **Shri Pradeep Choubey, ex-MLA and Janata Dal**

Leader :

"... भिलाई के निजी उद्योगों में श्रम कानून का कोई मतलब नहीं रह गया है। न्यूनतम वेतन, सेवा काल की सुरक्षा, एवं सेवा शर्तों का पालन नहीं करते हुये भिलाई के बड़े उद्योगपति मजदूरों का जबर्दस्त शोषण काफी अर्से से कर रहे हैं। उद्योगपतियों और राजनेताओं का गठबंधन इस क्षेत्र में बदनाम हो चुका है और ऐसे में भिलाई क्षेत्र के मजदूरों ने नियोगी को अपने अधिकार पाने की लड़ाई का नेतृत्व सौंपने का फैसला किया है।"

(Desh Bandhu, 7,10,90.)

Letter from a PESS Activist to Police Station Officer, Jamul, Bhilai Requesting Inquiry into the Conspiracy Between Goonda Elements and the Industrialists Against Workers and their Leaders

श्री भान थाना प्रभारी
जामुल भिलाई,

विषय :- जान बूी सुरक्षा याकत ।

महोदय,

निवेदन है कि सिम्पलेक्स इंजीनियरिंग के मानिक मूलचंद झाह एवं केडिया डिस्ट-
नरी के मानिक फैलावपति केडिया द्वारा मेरे तथा सिम्पलेक्स में कार्यरत संगठन के
अन्य मुखिया साधियों के जान का खतरा बना हुआ है । दिनांक 27.8.91 को डेम्प
के गुण्डा ज्ञान प्रकाश मिश्रा कोहक के विश्वनाथ त्रिपाठी के घर गये थे जो कि मेरे
रिश्तेदार है और ज्ञान प्रकाश मिश्रा के भी रिश्तेदार हैं वहां पर ज्ञान प्रकाश मिश्रा
ने कहा कि "सिम्पलेक्स के मूलचंद झाह कम्पनी में गुनिषन के कूट प्रणाल लोगों को मारने
के लिए 50,000 रु. प्रधास हजारों और फोटो दिया है" वित्तमें एक आदमी उमाशंकर
राय को मार दिया गया । हुंररा नम्बर भारत प्रखण पाण्डेय का है । "अब उनकी"
बारी है" कहते हैं यह खबर सुनेबा केकेपीररररररररररररररररररररररररररररररररर
दीजिए कि "तत्काल घर चले जाए" वहां से यह खबर सुनेबा के के.पी.एन. पाण्डेय
के वहां आया उनके वहां से यह खबर, रामनगर में रहने वाले एवं लोक-भारती रजुत
वैशाली नगर के प्रधान पाठक ज्ञानेन्द्र पाण्डेय के पास पहुंचा । ज्ञानेन्द्र पाण्डेय
दिनांक 29.8.91 को 1.15 बजे मेरे घर आये और मेरे परिचय श्री मति माकनी पाण्डेय
को यह खबर दिये फिर मैं डिप्टी से तुलने पर घर पहुंचा तो यह खबर मुझे प्राप्त हुई ।
सिम्पलेक्स में जाये दिन सन्तोष गुप्ता, जुबेर, सत्यनारायण, ज्ञान प्रकाश आदि गुण्डों का
जमाव देखा जा रहा है । जो कि कभी भी किसी के जान का खतरा हो सकता है ।

90
6-431

Recd.

11/9/91

9-10 PM

दिनांक 29.8.91 को एम.पी. 24 ए 0800 में रंग दी मारती वैन में चार गुण्डा-
सन्तोष गुप्ता, जुबेर, सत्यनारायण एवं ज्ञान प्रकाश आये और यशवी शोप में घुसने लगे
तत्काल अखण साधारणी को वैन के पिछे जाने को कहा तो उसने देखा कि नि. जाई.
एम. दवे लम्बे का हंडल एवं कूट फोटो सन्तोष गुप्ता के हाथ में दे रहे थे । परंतु यह
सही देण सबा कि फोटो जिनका है । पर इस खबर से सभी लोग हरे हुए हैं कि जगज
घटना कितने उमर घटेगी । उन गुण्डों को जापत में यह खबर करती हुए भी गुना मगत
कि है भाग्यशाली केडिया, मूलचंद व नवीन झाह ने मजदूर नेताओं के उमर प्राप्त पातक
हमारा करवाने का ठेका ज्ञान प्रकाश मिश्रा, सन्तोष गुप्ता, सत्यनारायण व जुबेर नामक
गुण्डा सरदारों को दिया है ।

आज्ञा के अनुसार
वर. के अनुसार
आज्ञा के अनुसार

30.8.91

30 दिनांक 30.8.91 को एम.पी. 24, 5555 एम्बेलेटर में फिर वही गुणा
सिम्पलेक्स एवं पातीदान नगर में गैरराते हुए देखा जा रहा है ।

30-8-91
विद्या प्रसाद, इला

A Memorandum from the Residents of Kumhari and Workers of Chhattisgarh Distilleries to Collector (Durg) Requesting Protection Against Hired Goons.

प्रति,

1. जिलाधीश महोदय,
जिला - दुर्ग,
2. मैनेजिंग डायरेक्टर,
छत्तीसगढ़ डिस्टिलरी लिमिटेड,
कुम्हारी ।

महोदय जी,

हम कुम्हारी के निवासी एवं छत्तीसगढ़ डिस्टिलरी के कार्यरत श्रमिक 8 जन. 91 की संख्या छत्तीसगढ़ डिस्टिलरी के मजदूरों पर की गयी चारू बाजी की घटना से अत्यन्त दुःखी हैं एवं इन घटना की निन्दा करते हैं ।

छत्तीसगढ़ डिस्टिलरी के मजदूरों ने जब से ताल-हरा झंडा लेकर संगठन बनाया तभी से उन मजदूरों पर दयाव बढ़ा तथा उन्हें आशंका करने हेतु लगातार अपराधी कार्यवाहियों की श्रृंखला हुई. कई लोगों को घटना का डर दियाया गया तथा बाहरी लोगों को साकर काम देने की भी कोशिश सफलता पूर्वक की गई ।

डिस्टिलरी के लिये अपनी ज़मीन देने वगत किसानों ने एक वेहतर मजदूरी पाने, ग्राम के औद्योगिक विकास एवं समुदाय की सम्पत्ता का रक्षण देना था पर कारखाने ने अब तक विस्थापन, प्रदूषण और गुंडागर्दी की शोकांत ही दी है ।

मजदूरों द्वारा संगठन बनाना उनका संवैधानिक अधिकार है, न्यायोचित मांगों के लिये शान्तिपूर्ण आंदोलन का एक लोकतांत्रिक हक है जिसके हनन से न तिरफ मजदूरों का वरन कुम्हारी क्षेत्र के सम्पूर्ण ग्रामीणों, शिक्षितों का उद्वेगित होना स्वाभाविक है । करोड़ों की कमाई करने वाले केहिदा जी द्वारा श्रमिकों की न्यायोचित मांगों की अवहेलना किया जाना अपराधी प्रवृत्ति के लोगों द्वारा लगातार आतंक फैलाया जाना तथा कुम्हारी क्षेत्र के हजारों बेरोजगार युवकों के सामने यू.पी., बिहार के सैकड़ों श्रमिकों को साकर काम देना वीर अमानवीय व्यवहार है ।

कुम्हारी क्षेत्र के नागरिक, बुद्धिजीवी, मजदूर एवं किसानों की यह एकमत से मांग है, कि प्रशासन इस मामले में तत्काल हस्तक्षेप करें तथा

----- 8 जनवरी की शाम चारूबाजी करने वाले अपराधियों को कानून की गिरफ्त में ले, कुम्हारी में गुंडों के घुसने पर रोक तागार एवं सामान्य नागरिकों की शान्ति व्यवस्था का वातावरण बहाल करके आये दिन की गुंडा गर्दी से श्रृंखित रखावे ।

----- केहिदा डिस्टिलरी के श्रमिकों की न्यायोचित मांगों की पूर्ति हेतु स्वर्गित रुठम उठावे, पुराने मजदूरों का स्थाईकरण करे, एवं नई जगह पर यहां के शिक्षित व अशिक्षित ग्रामीण नवयुवकों को रोजगार दे ।

आशा है कि जिला प्रशासन एवं प्रबंधन श्रमिकों के अधिकार की रक्षा एवं नागरिकों के बीच अमन-येन बनाये रखने का दायित्व पूरा करेगा ।

सकारात्मक पहल की अपेक्षा में,

हम हैं,
कुम्हारी के निवासी एवं
छत्तीसगढ़ डिस्टिलरी
के श्रमिक । 105 हस्ताक्षर ।

Memorandum to the President of India with 50,000 signatures submitted by a delegation led by Late Shri Shankar Guha Niyogi.

To

The President of India,
Rashtrapati Bhawan,
NEW DELHI.

Dated : 11.09.91

Sub.: For resolving the longstanding problems of workers and their

- (i) Right to Life and Body Security as per Section 21 of Indian Constitution.
- (ii) Right to form Trade Union as per Section 19 (1) (a), (b) & (c) of Constitution of India. are protected.

Sir,

It is with great pain that we inform you that 4-5 neo-rich industrialists of Raipur, Rajnandgaon, Durg, Bhilai belt have been exploiting their workers working in Engineering and Foundry Industry or in Chemical industries such as Liquor manufacturing. They have not accepted that the workers have right to form Union in their factories. By bribing the Union Leader or by a threat on their lives and when that too didn't work then by unleashing physical violence upon workers with the aid of police these employers have crushed all the previous attempts of the workers to form Trade Union.

Last year the workers of these industries have organised once again and have raised chiefly two demands:

- i) The workers be regularised when the work is of permanent nature in the industry (as per the section 10(a) of Contractual Labour Regulation and Abolition Act).**
- ii) A living wage be decided for the workmen basing upon the considerations of Industry and Region.**

Most of the employers refused to even accept the demand letters. Yet these demand letters were submitted to the Asst. Labour Commissioner so that the workers' right to form Trade Union and their just demands are fulfilled. Industrialists tried utmost to break

workers' organisation. In failing to do so they resorted to physical violence upon workers and have gone to the extent of physically eliminating the workers. Keshav Rao of Chhattisgarh Distilleries Ltd. and Mani Ram of Simplex Group were murdered at the instructions of their employers. Apart from that there had been attempts on the lives of many workers including Sri Ravindra Shukla, Sri Jagdish Verma, Sri Purushottam who sustained knife injuries. More recently, police acting on behalf of the industrialists, resorted to a barbarous lathi charge on the workers. During this lathi charge the workers' leaders were pointedly tortured inhumanely. When all these attempts have failed now the employers are bent upon creating a large scale bloodshed whereby there is a danger to the lives and bodies of the workers and workers' leaders. On August 19th Sri Uma Shankar Ray, Vice President, Pragatisheel Engineering Shramik Sangh (Bhilai) was surrounded by the hired goons of the employers who assaulted him with knives and iron rods and left him on the road thinking him to be dead. Sri S.K. Singh, Vice President PESS (Urla), Sri Haldhar Secretary and Sri Suklal, Treasurer were assaulted with swords and iron rods on 24th August while they were asleep.

Throughout the police is giving protection to the criminals. Not only that the Bhilai police has yet to arrest a single culprit, they have in fact, acted to protect them.

In this situation there is a danger to the security of lives and bodies of workers and their leaders.

Hence, His Majesty, is requested to bring in check on these acts of violence by the industrialists and to order a C.B.I. inquiry so that the workers are not denied of their constitutional rights.

Here we are :

The workers of Bhilai, Dalli-Rajhara, Rajnandgaon, Urla, Tedesara, Baloda Bazar, Hirri and citizens of Chhattisgarh.

(50,000 signatures appended)