

## Resources of Hope: Workers' Struggle in *Fashion Team*

People's Union for Democratic Rights  
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Not many people know that a month-long workers' struggle in Fashion Team, a garment export unit, has succeeded in making the management agree to take back 191 workers who were forcibly thrown out of the factory premises when they reported for duty on 2 April 1997.

Registered in the name of N.K.Sahadevan (Reg. No. 16061/N), Fashion Team was started in 1991. Today it employs about 1400 workers. However, 95 per cent of the workforce is not recorded on the rolls. No appointment letters are issued and workers do not get any benefits like PF, ESI or bonus. Work hours often exceed the stipulated eight hours, but overtime is not paid. In departments like tailoring, where there is prolonged exposure to high levels of noise, the company does not provide any safety measures. For a workforce of 1400, there is no canteen or restroom facility.

Trouble started in the tailoring unit in early March 1997. With the help of Purvanchal Mazdoor Trade Union (PMTU) and Delhi General Mazdoor Front (DGMF), the workers had started voicing their demands for regularization and payment of benefits including leave and overtime. On 4 March 1997, 116 workers were thrown out of work, but the Labour Department called for conciliation and the workers were reinstated.

On 2 April when the workers reported for duty at 9:00 a.m., the security staff locked them up inside the premises. The management ordered the workers to take back their demands. When the workers refused, they were brutally assaulted and beaten up with rods and lathis. Several workers were injured and two were critically hurt, and had to be hospitalized. One of them sustained head injuries. Out of the two women workers in the Tailoring Department, one was molested by the members of the management and security and staff. In the meantime, the management

reported to the police that the workers assaulted the staff and indulged in breakage. The ACP (Kalkaji P.S.) and Addl. SHO (Okhla P.S.) arrived on the scene. The Okhla P.S. refused to lodge an FIR on behalf of the workers against the management and security staff.

However, an FIR (222/97) against the workers was lodged at the P.S. the same morning. Eighteen workers were charged under S.147 (punishment for rioting), 149 (member of unlawful assembly guilty of offence), 427 (mischief causing damage), 323 (punishment for voluntarily causing hurt) and 34 (acts done by several persons in furtherance of common intention) IPC. These workers, including the woman worker, were kept in custody for two days till bail was arranged. The same day, 2 April, the Tailoring unit was closed and 191 workers were terminated.

From 7 April, the terminated workers sat on an indefinite dharna outside the factory premises, demanding that the workers be taken back and that action be taken against the management. Over the next few days, they made several attempts to get their FIRs registered and complain against the persistent harassment by the management goondas. They also filed a complaint against the illegal closure in the office of the Assistant Labour Commissioner. On 3 April, the workers went on a protest march to the ALC's office and submitted a complaint against non-payment of wages for the month of March. Eight days later, in the presence of the Labour Inspector, they were paid wages, calculated on daily basis, (Rs.81/-) excluding holidays and Sundays. However the case of illegal closure remained undecided as the management refused to appear before the ALC on successive occasions.

The management claimed that all the workers had been hired on a purely temporary basis from December 1996, to work in their Tailoring department, where they had installed new *juki* machines. The workers did their job badly and the unit had to stop production. According to them, the closure was not illegal as they had given a month's notice, dated 28 February 1997, both to the workers and to the ALC's office.

When the ALC was questioned by the union and PUDR, it was discovered that the notice had not been sent a month earlier, as there was no record in the Daily Register. According to the ALC, the letter dated 28 February, which reached his desk in mid-April, was a back-dated one. Clearly, malpractices such as this (receiving back-dated letters) exist and thrive on the complicity between the management and the Labour Department. The ALC declared the closure as illegal and said that an inspection would be conducted into the issue of payment of minimum wages.

However, such inspections rarely happen, as the ALC's office is short-staffed and works with half the number of staff it is supposed to

have. And in any case, the ALC has very few powers. For the workers, the ALC's office is the most readily accessible avenue for redressal. But the complete ineffectivity of this office is evident from the fact that it has been unable to make the management of Fashion Team appear before it even once. Within the existing legal system, a worker can never proceed to the Labour Court on his own. It has always to be through a Conciliation Officer. Further, the whole procedure of conciliation and litigation is made ridiculous by the paltry sums charged as fines and penalties: Rs.500/- for non-payment of minimum wages, and Rs.5,000/- for illegal closure. Even though there is provision for imprisonment (upto six months) for the said offences, they have to be tried in a criminal court. Thus, if the management has to be brought to book, a tortuous route from the Conciliation Officer to the criminal court has to be followed. And in the last fifty years, the laws haven't changed, and the fines haven't changed either.

For the workers of Fashion Team, the battle against illegal closure and termination, fought out through dharnas, protest marches and repeated visits to the ALC's office, was not the only one. They also had to reckon with the assault and persistent harassment by the management, its goondas and the security staff. The police's blatant complicity with the management meant that the latter could freely take the law into its own hands. The police was well aware that the security agency has no powers and therefore the assault on the workers on 2 April was a criminal offence. Yet, it was the workers who were prevented from filing their FIR; their medico-legal certificates (MLC) were doctored in the presence of the police; the workers were false charged and detained in custody; and no attempts were made to restrain the management's goondas. For the workers, particularly the women, the fact that they were easily identifiable as agitators by the police, became a constant source of insecurity and fear.

In spite of being reminded that every citizen has a right to lodge an FIR and that there was need for their intervention to restrain the management from continuing with its harassment of the workers, the Okhla police did nothing. In fact, even before the investigation into the 2 April incident had started, the police concluded that the workers were guilty. A few days later, on 17 April, when the woman workers went to the police station to lodge an FIR, the SHO Balwant Singh refused to comply, on the grounds that she was an accused in the complaint lodged by the management, and that he was not present at the scene on 2 April! Although a complaint has been lodged against the SHO in the office of the DCP (South), no action has been taken yet.

There is yet another twist to the tale. While the Labour Department agrees that the closure is illegal, work has resumed in the Tailoring department. A sub-contractor Balraj, locally known for his close connec-

tions with the area MLA Ramvir Bidhuri, started work with new employees in the same unit. Meanwhile, Shahi Ram Pehlwan, the Municipal Councilor, offered to intercede on the workers' behalf. But behind this seeming concern for the workers were the vested interests of the powerful Gujjar lobby which controls sub-contracting work in the Okhla industrial belt. A close associate of Pehlwan, Om Prakash wanted the contract for the finishing work in Fashion Team. Accordingly, Pehlwan wanted the workers to end their agitation and agree for a settlement. In this last one month, the current sub-contractor, Balraj's goondas were responsible for actively threatening the workers sitting on dharna.

Notwithstanding these strong-arm tactics, the terminated workers were able to mobilize the entire workforce in their support. On 30 April, a large meeting was organized outside the factory gate by the Delhi Janwadi Adhikar Manch, representing a number of trade unions, students and women's groups and others democratic rights organizations. This was followed by rallies on May Day by local trade unions. The workers held an extended gate meeting on 2 May. They then started picketing at the factory gate on 3 May from the early morning, carrying on into the next morning. Only a handful of workers were forced to work by the management on the morning of 3 May. The workers' aim was to prevent a consignment from leaving the factory. By around 8:30 a.m. on 4 May, the owner Ajit Chadha assured that all 191 workers would be taken back by 9 May. The union's other demands, concerning payment of minimum wages, issuing of appointment letters, have not yet been formally agreed to. It remains to be seen whether the management will fulfil its part of the bargain.

The efforts of the workers of Fashion Team in the past month, are an example of the efficacy of sustained democratic struggle. For countless other workers, this struggle represents the resources of hope.

#### **PUDR demands:**

1. Reinstatement of all terminated workers in Fashion Team.
2. Regularization of the entire workforce.
3. Issue of appointment letters and payment of all statutory benefits.
4. Registration of FIRs against the management and security staff for the incident of 2 April and subsequent harassment by goondas.
5. Withdrawal of all cases against the workers, and action against the SHO, Okhla P.S. (Phase I).

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