

Hand in Glove

Workers' demands & Police firing at Dharuhera

**People's Union for Democratic Rights
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On 19 February 1998 a contingent of the Haryana police fired upon protesting workers of the Pashupati Spinning and Weaving Mill at Dharuhera, Rewari district, Haryana. Four workers were killed in the firing and 5 others received bullet injuries.

The workers then blocked National Highway 8 (on which the factory is situated) through the night. In order to remove them the police carried out a lathi—charge on the morning of 20 February. In the course of this operation, they entered workers' houses, destroyed household goods, smashed doors and windows, and beat up the residents, including women and others who were not associated with the mill. Twenty one people were seriously injured in the process, and many others received minor injuries.

People's Union for Democratic Rights (PUDR) sent a five member fact finding team to Dharuhera and Rewari on 22 February. The team met the factory workers, Navraj Sandhu, the Deputy Commissioner at Rewari, Ram Kumar, the SHO of the Dharuhera PS and Ramesh Jain of the Pashupati Mills management at Delhi.

THE CONTEXT OF THE POLICE FIRING

The factory

The Pashupati Spinning and Weaving Mill Ltd. is part of a nation-wide group of 50 companies, controlled by the Jain Shudh Group. It is a public limited concern, in commercial operation since 1981. It had a turnover of Rs. 103 crores in 1997. The Mill is part of the Dharuhera Industrial Area about 20 km away from the district headquarters at Rewari, and about 60 km from Delhi. The highway in front of the factory is the main trunk route between Delhi and Jaipur.

There are 4 plants in the Mill, which operate on 3 shifts- A, B, and C, each of 8 hours duration, starting

at 8 a.m., 4 p.m., and 12 midnight respectively. In all, there are 3000 workers in the factory. There are very few women workers. Most of the workers are migrants from eastern U.P and Bihar and live in rented tenements owned by local residents next to the factory or in the nearby Kapdiwas village. About 200 labour quarters are provided by the management behind the factory. In the factory, workers are divided into unskilled, semi-skilled and skilled categories. While the nature of jobs vary, there is comparatively little variation in the wages received by them. These amount to about Rs. 22007- per month, for skilled workers while those in the semi and un-skilled categories get somewhat less.

None of the workers get proper appointment letters or proof of employment. Nor do they have attendance cards or leave cards guaranteed to them by the Factory Act (1948). The management therefore conveniently shifts permanent workers who go on legitimate leave for a short while into the temporary category when they return. There are at least 1000 temporary workers in the factory at any given time. Many remain in this capacity even after working for several years. Such action by the management is violative of the right of the worker to be considered to be in continuous service if he goes on legitimate leave (under Section 25 B of the Industrial Disputes Act) and thus get their due wages. While the management claims that Provident Fund is being deducted from the salaries of the worker, no records to this effect have been maintained for a number of years. Some of the workers have not been covered under the ESI (Employees State Insurance) scheme and cannot avail the benefits of the ESI dispensary at Dharuhera. Non payment of PF deposits and not giving ESI benefits are offences punishable under S. 14, 14 A, and 14 A-B of the PF Act and S.85 of the ESI Act. Compliance to these norms can be enforced by the labour court.

The Union

Union building efforts had been started in 1987 under the Haryana based trade union, Lok Hit Mazdoor Sangathan and its leader Sukhbir Singh Arya. This was smashed soon afterwards by the General Manager, J.S. Marattha.

The Lok Hit Mazdoor Sangathan however remains the official union in the factory. In October 1997, after a conciliation process, the management arrived at a 3 year wage settlement with this union before the Deputy Labour Commissioner (DLC) at Gurgaon. The issues raised by workers were annual increment, issue of attendance cards, leave cards, maintenance of PF records and covering all workers under the ESI scheme apart from appropriate wage revision. None of the general demands were addressed by the settlement, and the wage revision too was an inadequate one. The DLC was guilty of not ensuring that the settlement was done with a union that genuinely represented the workers. Workers were not satisfied with the limited settlement. Subsequently another union, the All India Textile Mazdoor Janta Union (AITMJU), affiliated to the ANURAG Federation and

headed by K.K. Shukla, started organising the workers around the same issues raised in the settlement. The workers under the new union also demanded that though inadequate, the conditions of the earlier settlement be implemented immediately.

The agitation intensified in January 1998, and large meetings of the workers were held. The dispute between the workers, the new union and the management at the DLC's court continued. The management on the other hand claimed that the settlement made in October had stated that no fresh demands would be made for 3 years, so the demands for PF records, employment proof etc. were illegitimate. It also failed to implement the existing settlement. In February, workers launched a go-slow agitation over the same issues. The management then arbitrarily suspended 10 of the most active and articulate protesting workers on the grounds of deliberately preventing production and inciting workers. This amounts to an 'unfair labour practice' punishable under S. 25 U of the Industrial Disputes Act.

The Management and the Police

Whatever may be the case the management had kept the police informed and demanded police assistance to put a stop to union activity from January onwards. The police were called during each of the meetings of the Union. In February, the management, determined to break the union and to bring 'indisciplined' workers to heel, called upon the SP and the DC to give them extra policemen to deal with the go-slow agitation, which had been leading to loss of production and profits for the management. Industrial disputes do not fall under the jurisdiction of the district police. However this was not the reason given for the administration's inability to aid the management in early February. It was said that the police were required for conducting the forthcoming national elections and would be able to assist only afterwards. And on 19th therefore, the police served the ends of the Pashupati management and fired upon the workers.

THE FIRING ON 19 FEBRUARY AND ITS AFTERMATH

At about 5.45 p.m on 19 February (about a week after the go- slow agitation had been launched) soon after the second shift (B Shift) workers had started work, most of them were ordered to go outside the factory by an enraged management, on the ground that if they were not interested in carrying out production work then they should leave the premises. The management was assisted in carrying out this illegal lock-out by its own goons and policemen of the Dharuhera PS. The lathi-wielding police and goons numbering about 50 in all, roughly pushed workers out. About 200 workers were kept inside.

As second shift workers were thrown out, other workers came out of their houses in the vicinity of the factory and joined them. All of them together demanded that the workers still confined inside by police and management

should be allowed to come out.

The police, having helped the management in throwing out workers, stationed themselves inside the factory gates. Instead of complying with the workers' demand for the release of their fellows they ordered the 500 strong crowd of workers to vacate the area outside the factory.

The SHO called the SP Rao Sohan Lal and SDM Roop Singh. They reached at about 7 p.m. Teargassing was started by the SDM's orders. According to the police, about 50 teargas shells were fired. However workers insist that teargassing lasted for a very short while. The police, under the SDM's instructions, started firing even as the tear gas shells were exploding. Approximately 50 rounds were fired. No warning of firing was heard. According to some of the injured, firing occurred in spurts. This is borne out by the accounts of 2 workers who have bullet wounds. Thinking that the firing had stopped, they went forward to help a fellow worker Pramod, when they themselves were shot. Two workers, Pankaj and Sardaru Singh, died on the spot, while Pramod and Vinod were seriously injured, and later died. Some of the workers also sustained injuries from country weapons fired by goons of the management working in concert with the police. The firing stopped at about 8.30 p.m. The workers locked inside were allowed to leave the factory only at night. Many workers then blocked the highway in front of the factory and sat there guarding the two dead bodies till the morning.

Reinforcements of police started arriving from 4 am on 20 February from the neighbouring districts of Mahendragarh, Faridabad and Gurgaon to clear the highway, under the orders of the DC. Over 200 policemen removed the protesting workers from the highway by lathicharging them. What was described by the DC as a 'mild lathicharge' led to several workers sustaining severe and multiple fractures. As workers ran off to safety into the nearby Lal Singh and Roshan Lal colonies, the police followed them. Long after their objective of clearing the highway had been achieved, the police continued to break down doors, window grills and locks, and even thrashed sleeping women, children and others not associated with the Mill. When our team went to Dharuhera on 22 February, we saw broken doors hanging on hinges and bent and twisted window grills.

After this assault, over 150 workers were rounded up and taken for 'questioning' to the police station. Eighty six of them were brought back to Dharuhera at about 2 a.m on 22 February, after pressure was exerted by workers of nearby factories, as they were found to be 'innocent'. Seventy one workers were found to be 'guilty' and arrested. Out of these 33 were arrested for the incident on the 19th (FIR No. 100/98, Dharuhera PS) and sent to Rohtak jail, and 38 were arrested for the incident on the 20th (FIR No. 101/98) and sent to the jail at Bhiwani. They were arrested under Sections 148, 149, 307, 436, 341, 332, 353, 186, 283, 506, 450 of the IPC

(for rioting, unlawful assembly, attempt to murder, arson, wrongful restraint, injuring and obstructing public servants, obstructing roads, trespassing and criminal intimidation). Those arrested for the incident on the 19th were also charged under S. 25, 54, 61 Arms Act, solely on the basis of a police claim of having recovered a bullet casing of a country weapon from the spot. In fact (as mentioned earlier), it was the goons of the management who were wielding and firing country guns at the workers. It is not clear on what grounds some workers were identified as guilty and others treated as innocent.

The workers or their union were not given a list of those picked up and arrested. This aggravated the atmosphere of fear and uncertainty as workers were unaware of the whereabouts of their fellows. In addition, after the lathicharge on the 20th, the workers who used to occupy the few labour quarters provided by the factory were also forced to vacate these by the management, and their property was thrown out. Mostly migrants, some of the injured workers had no families at Dhanuhera nor any alternative support system, and were dependent on their co-workers for medicines and money. Of those lying injured in the hospitals, some workers had families living near the factory, but were not aware of the condition of their families.

Official Stories

Police and District Administration: The police account states that they had gone to the factory on 19 February in response to an earlier complaint by the management. The management had accused some workers of breaking machinery and assaulting a supervisor. The police say that the workers voluntarily walked out in protest against the suspension of their colleagues and started throwing stones, after which they shut the factory gates in order to protect the machinery and the remaining workers inside.

After appropriately warning the workers, the police fired from inside the gates. However, the police and the DC say that this was directed at the air, and not at the workers. Since workers were standing on roofs of nearby houses and trees in front of the factory, they got hit and some got killed. Three policemen were injured but none seriously. It is important to note here that there are no buildings in front of the factory gates, and the nearest houses are low roofed tenements located at a considerable distance on one side of the factory walls. The trees in front of the factory are of the tall, smooth-trunk variety, with very few branches.

The workers continued to pelt stones even as some of them were getting injured and killed. According to the DC, they would break up into groups, collect stones, regroup to throw stones at the police, 'like guerillas'. Although she was not herself present at the time, she felt that the response of the police was justified under such fierce resistance.

The DC's explanation for the attack on people on the morning of the 20th is that the workers who

had been blocking the highway were given shelter by the residents in the colonies. Many of these residents were also fellow workers and guilty of stone throwing the previous evening. According to her, women and non workers had to be beaten to catch the 'guilty' workers. The workers had clung to the window grills, and had to be prised apart from them by the police, causing the grills to get bent and twisted.

The Management: While maintaining that they had summoned the police because the workers had walked out voluntarily and started throwing stones at the factory, the management stated that the entire incident took place outside the factory gates, which allows them to disclaim all responsibility.

Treatment of the Injured

Treatment of those injured in the police firing and assault, a legal right of the injured was completely denied to the victims at Dhanuhera. On 19th night, five of the more seriously injured workers were brought by other workers and local residents to the Rewari civil hospital. One of them, twenty year old Pramod Kumar, was referred from there to Safdarjung hospital in Delhi, where he died. Another, Vinod died soon after he was taken to Gurgaon Civil Hospital. The remaining four in Rewari hospital had not even been x-rayed till the 21st, and their bullet wounds had merely been sown over. On the 21st, three were sent to the government hospital at Bawal, about 25 km away, to be x-rayed. Most of the expense for this had to be borne by the workers themselves. Even at the government hospital every x-ray exposure costs Rs. 60, instead of which the doctor at Bawal asked for Rs. 110 each.. The DC finally intervened on the 22nd and two workers got x-rays through the Red Cross.

Twenty workers had been admitted to Rewari hospital on the 20th, all with injuries sustained in the lathi charge. Again, they were brought in by co-workers and not by the police. One of the patients who had been sleeping in his room when the police raided, said the police repeatedly tried to hit him on the head. He managed to fend the blows off with his arms and hands, which bore the marks of severe beating.

Compensation

The DC has persuaded the management to declare compensation of Rs. 1 lakh to the families of the dead; Rs. 20,000 for seriously injured and Rs. 10,000 for simple injuries. The DC was trying unsuccessfully to get the management to give at least part of the money as a 'gesture of goodwill' to the workers on the 22nd itself so that they could use it for their treatment. The Management is clear that this is not 'compensation' since they bear no responsibility for the firing, but merely an act of largesse. The union has demanded Rs. 5 lakh per deceased victim, which was refused by the management.

No compensation has been declared by the state, in clear violation of the right of citizens to compensation when the state kills and injures in blatantly unjustified firing.

EPILOGUE

The firing at the Pashupati Mill shows the way in which the law and order machinery was used to serve the interests of the Jain group. While The SP and SDM gave the actual order for firing, knowing well that the police were being used as a private army of the management, while the DC justified the firing and the lathi charge. However, now that the police have served their purpose, the management is trying to distance itself from the firing and lay the entire blame on the police and the workers. The NHRC is currently conducting an inquiry into this case.

The agitation of the workers is now temporarily stalled. The same policemen continue to operate at the Dharuhera PS. Workers with fractured limbs and heads have used up savings to get themselves treated at private hospitals and some have gone back home. Ironically, through this one-sided intervention of the state, it is workers who were denied their rights, thrown out of the factory, fired upon, beaten up and are now in jail under grave charges punishable with terms upto life imprisonment.

A Joint Action Committee (JAC) of representatives of workers and unions of different factories as well as 10 representatives of the AITMJU was set up on 21 February and a large demonstration of workers numbering between 5000-10000 was held. It demanded arrest of the GM, payment of due compensation and meeting all earlier demands of workers. The GM was arrested to humour the workers, under a minor charge (S. 216, IPC- harbouring criminals) for apparently giving shelter to the goons who he had engaged to break the union. He is out on bail.

Through continuous meetings before the DLC between 27 February and 6 March, a temporary agreement was reached between the management and the union regarding compensation. It finally agreed to a compensation of Rs. 1.75 lakh for death. Moreover it promised to extend ESI facilities to all workers and also provide a job for one member of the family of each worker killed. The JAC meanwhile held another large public demonstration on 5 March, and continues to push ahead with its demands.

In the firing at Pashupati Mill both the state and the management stand completely exposed by the management agreeing to pay compensation for firing actually executed by the police. Instead of ceding the workers' demands earlier, or even negotiating with workers the management decided to end the workers' agitation by declaring an illegal lock-out without any prior notice. This led to the police firing. The brutal fact remains finally that the management agreed to a few of the reasonable and legitimate demands of the workers only after four workers were killed. Several demands have still not been agreed to.

CONCLUSION

From the evidence collected by PUDR, several features emerge clearly.

- The firing was directed at workers, and not in the air as the administration, police and

- management has claimed
- There are clear indications of collusion between the state forces and the Pasupati Mill owners. At the same time, their own interests lead them to provide conflicting versions, in order to evade responsibility.
 - While the workers have been charged with heinous crimes, and have suffered bullet injuries and lathi wounds, the management has got off with minimal compensation. This too, they portray as an act of goodwill alone.
 - The police and the district administration failed to even provide medical help to workers injured in the firing. They were left to fend for themselves.
 - The state has not accepted any culpability and provided compensation.
 - The police, which in this case, has functioned as an agent of the management, has got off without any charges.
 - The legitimate demands of the workers have not been addressed. G By throwing out workers on 19 February, the management declared an illegal lock-out punishable under S.26(2) of the Industrial Disputes Act.
 - The Deputy Labour Commissioner colluded with the management in reaching a settlement with the union without ascertaining whether it was representative of the workers.
 - The suspensions of the workers active with the new union are illegal. These amount to 'unfair labour practices' under S. 25 U of the Industrial Disputes Act and are punishable. The lack of any action in this regard by the DLC only strengthens the charge of collusion.

PUDR DEMANDS

- ◆ Judicial enquiry by a High Court Judge into the incident.
 - ◆ Adequate compensation to the injured and to the families of those killed.
 - ◆ Immediate removal of charges against workers.
 - ◆ Reinstatement of workers and immediate acceptance of their legitimate demands
 - ◆ Punishment of guilty management, the officials responsible and the police who fired.
 - ◆ The laying down of distinct guidelines to prevent the use of police by managements to settle industrial disputes.
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