

Trapped to Death

Deaths from Fire at a Garment Factory in Vishwas Nagar

People's Union for Democratic Rights
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On the morning of 7 December, a fire, resulting in the death of twelve workers, broke out on the second floor of Groversons Apparels Pvt. Ltd., a garment-manufacturing unit in Vishwas Nagar, East Delhi. The incident was reported widely in the media which made it a high-profile case for both the government and the local authorities. The Delhi government announced a compensation package of Rs. 1 lakh for the deceased and Rs. 20,000 for those injured. Within three-four days the owner, manager, factory in-charge and the contractor had all been arrested. PUDR decided to investigate the incident. The following is a report of our findings.

Groversons Apparels Pvt. Ltd. (head office: 2666/2, Beadonpura Karol Bagh, Delhi) is one of the leading producers of lingerie in India. Registered with the Apparels Export Promotion Council of India, the Company has been in the business for more than fifty years. As an established brand name in northern India, there are various sub-brands under the name 'Groversons' that cater to both lower and upper segments of the market. With the entry of foreign brands in the domestic market, traditional suppliers of lingerie such as Groversons are facing stiff competition. According to Rakesh Grover, Managing Director of the firm, "with international brands coming in and exposing the Indian consumer to international standards it has become all the more imperative for Groversons as a brand to offer products of international quality and calibre. With this in mind, Groversons is working towards a very technologically advanced manufacturing system...[that would] increase its production multifold in the coming years".

Interviews with survivors and the families of the deceased workers and a visit to the factory located in Vishwas Nagar (Gali No.16) provided PUDR with a closer view of the "technologically advanced" system of production employed by the Groversons' management. Almost all the manufacturing is carried out in several small units spread across the city that are either rented or owned directly by the management. Apart from its head office in Karol Bagh, none of its units have a permanent base or address. The company does not encourage units to continue operating in

any one place for more than 4-5 years. The management is also careful about not letting any worker stay on too long at any particular unit. Workers are thus frequently transferred between units to prevent them from organising into unions.

The particular unit at Vishwas Nagar, located in the midst of a crowded residential colony, is said to produce only brassieres. The factory moved there from its previous location (343B, Bholanath Nagar) about four years back. Spread over three floors, the total workforce consists of 125 to 150 workers. A majority of workers are employed through a private contractor on a casual basis. They work in one shift that usually consists of nearly ten to twelve hours of work. The average salary drawn is roughly between Rs. 2,000 to 3,000, well below Delhi's stipulated minimum wage. These often included payments made for working overtime, beyond eight hours. No written documentation was provided by the management in the form of either appointment letters or salary slips, in its dealing with workers.

The Accident

On 7 December, there were approximately 75–80 workers in the factory. There was less than regular attendance as the supervisor of one particular floor and many of the workers were on leave. According to Ravi (aged 19) injured in the accident, it all happened around 10.45 am., after a stain removing machine on the second floor suddenly caught fire. Bhana Pratap (aged 25), who was working near the machine, noticed the sparks and tried to put them out. However, a 20 litre can containing inflammable solvents kept near the machine, saw the sparks transform into a raging fire within a matter of a few seconds. Two other workers, Kanhaiya (aged 20) and Vinod (aged 18) saw Bhana's body engulfed in flames. In their attempt to save him, both of them rushed towards Bhana but the flames that were spreading fast, engulfed them too.

According to eyewitness accounts, a thick black cloud of smoke soon covered the second floor as the fire extinguishers failed to work. Those working on the first floor escaped through the door adjoining the staircase. However,

for those working on the second and the third floors there was no such option available. The staircase leading downstairs towards the exit was blocked with packaging material that caught fire, making it virtually impossible for the trapped workers to escape. A few of those working on the third floor escaped through the door leading out to the terrace but for those trapped on the second floor there were limited options available. According to workers, since the fire had spread so rapidly all over, there was no possibility of them dousing the fire with buckets of water. In desperation, some workers jumped out of the window.

According to officials of the Fire Department, it was extremely difficult for fire engines to negotiate their way to the factory through the narrow lanes of Vishwas Nagar. Fire officials had to haul hose pipes from the main road to access the site. It took nearly two hours before they were able to scorch out the fire. The bodies recovered were charred beyond recognition. Twelve workers lost their lives: Bhana Pratap (25), Kanhaiya (20), Vinod (18), Bhulan (20), Sahdev (40), Valmiki (40), Raj (25), Raju (18), Raj Rani (50), Madhu (30), Renu (20) and Leelavati (35). The number of injured is even more. Ravi, who had tried to help and then fled once the fire spread, received severe burns on his legs. Sanjay (22) also suffered multiple injuries when he jumped out of the window of the second floor. Over a month after the incident, Sanjay is still in hospital with a broken collarbone and a severe spinal injury. The compensation of Rs 20,000 paid by the Delhi government in his case has been clearly inadequate in meeting medical expenses, underlining the completely arbitrary nature of compensation awarded to the injured in accidents such as these.

There was no supervisor or manager present at the factory at the time that the fire broke out. Jitender Grover, a manager, arrived on the scene approximately half an hour after the incident. According to witnesses, instead of controlling the fire, Jitender locked the entrance door that had been open, from outside. As a result a scuffle broke out between him and the workers on the issue. Jitender contacted the local police who arrived and took Ramesh Gupta (intervening on behalf of the workers) to the *thana* at Farash

Bazar. Ramesh was detained for the day and released only at night. PUDR was unable to get an official confirmation and a possible answer from the police as to why Ramesh Gupta was detained for the entire day at the thana.

Mithlesh Kumar Singh, factory in-charge and Har Kishan, the contractor, were the first to be arrested followed by Jitender Grover and Rakesh Grover, owner cum Managing Director of Groversons Apparels Pvt. Ltd., by the *Farash Bazar* police. The four have been charged under Sections 304A (causing death by negligence) and 337 (causing hurt) of the Indian Penal Code. The penalty imposed under both these sections consists of either imprisonment for a period of six months to two years or a fine starting from five hundred rupees, or a combination of both. All four accused are currently out on bail.

For the workers' families, many of whom traveled from their villages to Delhi, it has been an agonising wait for justice. For Rajeshwari Devi of village Sultanpur, district Balia (Bihar) and mother of Kanhaiya and Vinod, both of whom were killed in the fire, it is the beginning of yet another tragic chapter in her life. Having lost her husband in an accident in a colliery in Dhanbad several years back, when both these sons were still infants, she is no stranger to the process that follows in the aftermath of such industrial accidents. For her, the compensation of Rs. 1 lakh announced by the Delhi government for each of her sons is meaningless, for no compensation is big enough to cover the loss. She is emotionally bitter and distraught at the fact that the loss of a few poor lives makes no difference to the political and legal establishment in the country.

The sentiments expressed by Rajeshwari Devi are echoed by others facing a similar loss of a loved one in the tragedy. Shakuntala Devi, wife of Bhana Pratap, remembers how her husband, a tailor by profession, migrated to Delhi in search of work about seven years back. While he did find work, the remuneration was never enough for them to rent family accommodation in Delhi. Bhana used to share a one-room tenement with six other workers of Groversons. On that

fateful day, of the seven workers who lived in the room, five died in the fire. When our team visited the house, it was a tragic sight to see Shakuntala Devi with her six month old daughter huddled with other women who had similarly lost their husbands or sons in the fire. Each of them were holding a form given by the Labour Commissioner's office regarding compensation from the Company, that they had no idea of how to fill. For there was simply no written documentation available with the families on whose basis a claim for compensation could be processed.

Some Broader Issues

While the Delhi Government was quick to award the modest compensation amount of Rs 1 lakh, the issue of compensation is a minor aspect of the entire story. The accident raises some more basic questions. Unless one examines and deals with those, one will be left constantly responding to specific tragic events such as Vishwas Nagar, and that too *after* the event.

1. *The Drive to Cut Costs:* Under the Factories Act 1948, the onus of maintaining standards of safety, health and hygiene within the workplace lies directly with the owner of the factory. Section 7(a) of the Act holds the factory owner directly responsible for "the health, safety and welfare of all workers while they are at work in the factory".

However, the tendency of factory owners to cut costs as much as possible makes them disregard these requirements. The issue here is not one of personal preference, but a systemic one. While it is possible that a more enlightened factory owner may observe safety measures, the inherent logic of private enterprise is to maximize profits by reducing variable costs to the extent possible. Invariably the reduction happens on expenses incurred on labour. This could take several forms, including not investing in safety measures or not abiding by the occupational safety regulations laid down by the government.

The fire in the Groversons unit in Vishwas Nagar was directly a result of the neglect of basic rules of occupational safety by the management (see the provisions in the box above relating

Provisions Relating to Protection Against Fire and Worker's Safety

- All processes, storages, equipments, plants, etc. involving serious explosion and flash fire hazard shall be located in segregated buildings;
- The quantity of flammable liquids in any workroom shall be the minimum required for the process or processes carried on in such room. Flammable liquids shall be stored in suitable containers with close fitting covers and in limited quantities in well-ventilated rooms of fire resisting construction, which are isolated from the remainder of the building by firewalls and self-closing fire doors;
- In every room of a factory exits sufficient to permit safe escape of the occupants in case of fire or other emergency shall be provided which shall be free of any obstruction;
- In any building not provided with automatic fire alarm a manual fire alarm system shall be provided if more than 25 persons are employed above or below the ground floor.
- Buildings and plants shall be so laid out and roads, passageways etc. so maintained as to permit unobstructed access for fire fighting;
- Doors, and window openings shall be located in suitable positions on all external walls of the building to provide easy access to the entire area within the building for fire fighting.

Source : Directorate General, Factory Advice Service

to Protection Against Fire and Workers' Safety). First and foremost, as officials of the Fire Department confirmed, the factory was housed in a building that was primarily built for residential purposes and thus primarily unsuitable from the standpoint of fire safety and protection applicable for manufacturing units. On top of that, not only were fire extinguishers never replaced, the management was also careless about stocking inflammable material within the premises. The factory's ventilation was poor. There was no

provision made by the management for easy entry and exit in case of fire. The common passageway that should have ideally been kept clear was blocked with packaging material that made it impossible for workers to escape.

2. The Role of the Labour Department: This in-built tendency of factory owners to cut corners by compromising on workers' safety makes the role of the Labour Department an absolutely crucial one. As it happens, the Factories Act 1948 also makes it obligatory for factory inspectors to ascertain the working conditions through regular examination of the plant and machinery from the point of view of overall safety and security. It is the responsibility of the Labour Department to safeguard the rights and welfare of workers wherever production takes place. Such responsibility includes not just the monitoring of stipulated procedures such as appointment letters, regulation of working hours, payment of notified wages and overtime and other benefits – all of which were being violated in Groversons – but also constant supervision and inspection of the safety and occupational hazards for workers employed in such factories. They are expected to maintain detailed records of safety procedures at the workplace, and make it incumbent upon factory owners to comply by the stated safety regulations.

This investigation into the accident in Vishwas Nagar and our experience from earlier investigations into industrial accidents and other workers' issues confirms that labour departments are completely lax in enforcing the law regarding industrial safety. There is a combination of reasons for this: one, the individual corruption of factory inspectors, who are paid off on a routine basis. Two, and more importantly, the Labour Department politically aligns with the class of factory owners and not with the workers whose interests they are meant to oversee. Three, contract workers in small and medium factories such as the one in Vishwas Nagar tend to be non-unionized, and it is near impossible for individual workers to enforce issues of work safety. Why, even in unionized workplaces in Delhi, industrial safety has

not been made an issue by unions, because of the ever-presence of other pressing issues such as minimum wages, registration of PF, ESI, and job security. In an adverse context in which pressure from workers regarding industrial safety is impossible to exert, at best Labour Departments – and governments, one might add – tend to act *after* the event. The compensation provided by the Delhi Government in the immediate aftermath of the incident is yet another instance of too little being done too late for those killed and injured in the fire.

3. Washing one's hands off a non-conforming area:

According to the Delhi Master Plan 2001, a non-conforming industry is defined as one located in an area not classified for industrial use. The Delhi Master Plan has a list of commercial enterprises forbidden from operating in areas designated as 'residential', such as Vishwas Nagar. These include retail shops: of building materials, timber, building products, marble, iron, steel and sand, firewood, coal; repair shops: automobile repair and workshops, cycle rickshaw repairs, tyre resorting and rethreading, battery charging; service shops: flour mills, (more than 3 KW power load), fabrication and welding; storage, godown and warehousing, junk shops and manufacturing (excluding household industry).

A cursory walk around Vishwas Nagar is sufficient to establish the fact that the area houses numerous such factories operating behind closed doors. This particular unit of Groversons was clearly unauthorized under the provisions of the Delhi Master Plan. As the unit was located in a 'non-conforming' area, its very illegality became a convenient excuse for the Labour Department and other authorities to ignore crucial questions relating to workers and industrial safety and security.

However, it must be underlined that the obligations of the factory owner prevail irrespective of where a factory is located. As for the Labour Department, as a consequence of its primary responsibilities towards workers, it cannot ignore the basic issue of working conditions even if the factory is

located in an unauthorised area. It is as much the duty of the Labour Department to report on the violation of norms relating to workers' safety in unauthorised units such as Groversons in Vishwas Nagar as it does in case of authorised factories located elsewhere. In the long-standing case regarding closure of industries in Delhi, the Delhi government itself requested that Vishwas Nagar, along with many other areas in Delhi, be re-categorized as 'industrial' since it was a residential area that had become over 70 per cent industrial. How then could it now claim no responsibility for the accident? If anything, given the hazardous nature of such industry in these non-conforming areas, it behoves the Labour Department to exert even greater vigilance on individual factories to ensure they maintain safety norms.

In conclusion

This report tries to underline the fact that the accident in Vishwas Nagar has systemic and institutional roots, more than an individual factory owner's neglect of the law. The Government's Draft Policy on Safety, Health and Environment at the Work Place hints as much when it acknowledges that "the changing job patterns and working relationships, the rise in self employment, greater sub-contracting, outsourcing of work" encourage neglect of basic strictures concerning occupational safety and health.

Industrial accidents happen, but the conditions in which accidents happen and their consequences derive from more systemic reasons: the relentless drive to extract profits; the refusal of the authorities to intervene until after the act; the widespread existence of contract labour and the difficulty of any organized activity that can raise questions of industrial safety. Most of these issues are intrinsic to the way capitalism plays itself out in an industrial city like Delhi. Clearly, what is needed is a questioning of the fundamental precepts of capitalism and the precedence that economic system gives to profits and markets over the rights and safety of those who work.

PUDR demands:

- 1) Payment of full compensation by the management of Groversons for both deceased and those seriously injured;
 - 2) Full coverage and reimbursement of all medical expenses;
 - 3) Legal proceedings against the management of Groversons for the violation of basic labour norms related to occupational health and safety;
 - 4) Legal proceedings against officials of the Labour and Industry Department of the Delhi Government;
 - 5) One member of each family of the deceased be given employment in Groversons. Apparels Pvt. Ltd.
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Stop Press

In the first week of February 2006, there was again a fire incidence reported in Vishwas Nagar in a Cardboard factory. This factory is located in a narrow lane which is just six streets away from the Groversons' garment factory with which this report deals. However, no casualties have been reported. The fire which broke at 3 AM in the morning was extinguished by 7 AM with the help of seven fire tenders.

Death of Twelve Workers at Construction Site in Delhi

On the morning of 25 December, media reports began flowing in of workers buried under the debris of a construction site at Jasola (South Delhi). The accident happened after a precariously placed hoarding fell on freshly dug earth, burying those working underneath. The construction was for a shopping mall, sub-contracted to a private firm, New Age Builders, by India Colonizers Pvt. Ltd. owners of the shopping mall. The workers killed were young migrants who had come to Delhi from Malda district in West Bengal in search of work. Housed in temporarily constructed tin sheds, these workers were employed on a casual basis by a local contractor. A total of six arrests were made (two contractors, project manager, site supervisor, and two engineers) all of who were later released on bail. In the case of industrial accidents, history tends to repeat itself as tragedy and further tragedy.

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