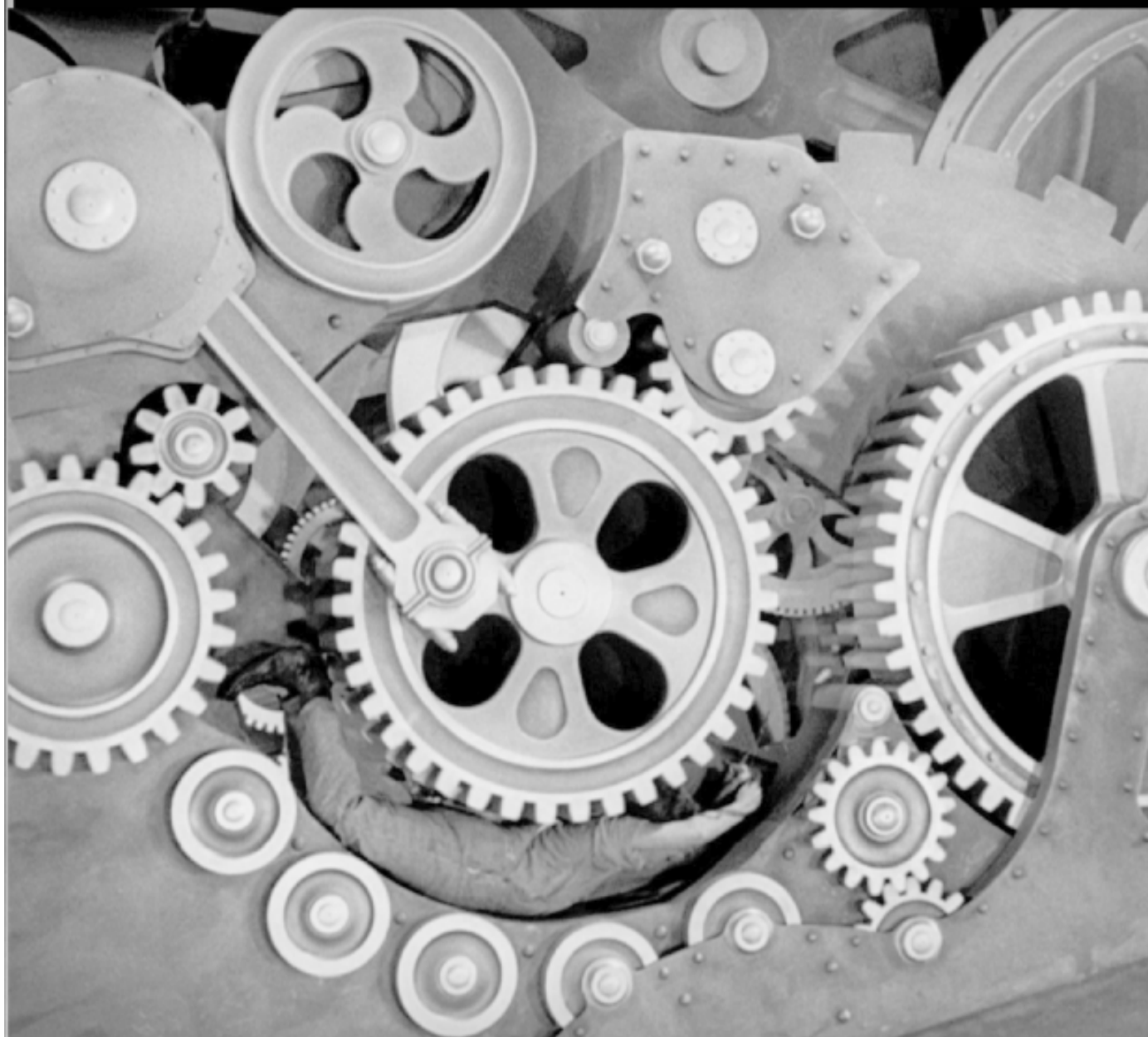


DRIVING FORCE

*Labour Struggles and Violation of Rights
in Maruti Suzuki India Limited*



Peoples Union for Democratic Rights (Delhi)
May 2013

“Nowadays, anyone who wishes to combat lies and ignorance and to write the truth must overcome at least five difficulties. He must have the courage to write the truth when truth is everywhere opposed; the keenness to recognise it, although it is everywhere concealed; the skill to manipulate it as a weapon; the judgment to select those in whose hands it will be effective; and the running to spread the truth among such persons.”

– Bertolt Brecht

Contents

Chapter One	Background	5
Chapter Two	Dehumanisation of work-force	13
Chapter Three	The struggle	25
Chapter Four	The incident and its aftermath	30
Chapter Five	Conclusion	39
Tables		
	I Employee Salaries & Benefits	9
	II Timeline of Developments and labour Stuggle at Maruti	10
Boxes		
	1 Policies, Growth and Wages: The Auto Industry	8
	2 Human Robots 1	15
	3 Illusion of pay revision	19
	4 Human Robots 2	24

ON 18 JULY 2012 a violent incident occurred at the Manesar unit of Maruti Suzuki India Limited (MSIL), in which an Human Resources (HR) manager died and some other managers as well as workers were injured. The incident was projected by the mainstream media as an isolated act of horrific violence which was attributed, even before any investigation to the workers. In this process, the long chain of events and continuous tension and conflict that preceded the incident and the truth about the incident itself were obscured. This apparent amnesia that coloured the understanding of the events of that day entailed grave consequences for the workers and is causing a continuous miscarriage of justice. The events of 18 July need to be seen in the context of the persistent struggle of the workers of the Manesar unit to register a union and draw attention to their working conditions even as we wait for the trial to conclude.

As reports of severe harassment of Maruti workers and their families trickled in in late July 2012, Peoples Union for Democratic Rights (PUDR) undertook a fact finding investigation into the incident, its context and implications. In the course of our fact finding, we met the workers (contract, permanent and terminated), the union leaders, their lawyer as well as officials from the labour department, Gurgaon, and different police officials, including the Commissioner. All attempts to meet the management turned out to be futile because it did not give us appointment for a meeting despite our persistent efforts.

The present report follows in the wake of our two previous reports *Hard Drive* (2001) and *Freewheelin' Capital* (2007) which recorded two previous crucial moments of the labour struggle at Maruti. While the first report documented how the gains made by workers of the then union started coming under attack, the second one highlighted the changing composition of the work-force. Both the reports have clearly established the acts of omission and commission of the state institutions in favouring the Maruti management.

Even as this report goes to print, the harassment of the workers by the police and the management is continuing and intensifying. It is of utmost importance, therefore, to document and publicise the issues at stake and locate the current situation in the context of workers' exploitation and struggle at Maruti.

The Background

The Maruti Udyog Ltd was established in Gurgaon in 1981. The company was first operationalised in 1983 with the rolling out of the Maruti 800 model. After its launch in India, the company soon became a symbol of automobile revolution. For many decades, Maruti Udyog Ltd. enjoyed virtual monopoly in the automobile market in India and it still dominates in small segment cars. Now Maruti has two manufacturing units, including five plants in all - the older one at Gurgaon and another one that started in 2006 at Manesar, both of which are in Haryana. Maruti's Gurgaon and Manesar plants have a production capacity of 1.27 million cars per annum. The company sold over 1.134 million cars in 2011-12.

In 1990, the Congress government led by Narasimha Rao initiated liberalisation of the Indian economy. A consensus about the need to privatise public sector units through disinvestment was fast emerging across political parties. In fact during the tenure of the NDA government (1998-2004), a Disinvestment Minister was appointed for the first time. For the disinvestment process to be successful, the most profitable public sector enterprises needed to be privatised first. Maruti was one such company. In 1992, the government reduced its own shares to 50% allowing the Suzuki Motor Corporation of Japan to become an equal partner. As a result, Maruti got converted to a joint sector company from a public sector company. In 2002, the Suzuki Motor Corporation had increased its share to 54.2%. The process of disinvestment continued and by June 2003, the government's share had reduced to 18.28% and further down to 10.27% by February 2006. By the end of 2007, the Government of India had given up its stake in the company completely, making it a purely private company. The Maruti Udyog Ltd was renamed as Maruti Suzuki India Limited (MSIL) in September 2007.

The history of Maruti is marked by exploitation of workers through inhuman

working conditions, extraordinary work pressure, harassment by arbitrary issuing of show-cause notices and charge-sheets, transfers, suspensions, criminal intimidation, terminations without inquiry, forcing the workers to take voluntary retirement, etc. The history is also marked by a militant struggle waged by the workers. Needless to say, many active workers have paid heavily for their struggle against the violation of their legal and democratic rights in the company. The persistent resistance put up by the Maruti workers has few parallels in this country and therefore becomes an important component of the history of Maruti as well as of the struggle of workers across the entire Gurgaon industrial belt.

Although the working conditions at Maruti were never ideal since its inception, they have become worse, and the exploitation of workers and contractualisation of the work-force also increased as the extent of disinvestment by the government increased. Maximising profits at any cost is the top priority of any private venture. Reducing the labour costs by contractualisation of work-force, devising mechanisms to extract maximum work effort from workers, getting rid of the relatively older workers or those with disabilities or medical condition are some of the ways adopted by private companies for this purpose. All these methods act against the interest of workers, their health, safety and dignity of labour. Maruti has seen them all. Maruti's history is an example of how privatisation of a public sector company leads to harsher working conditions for its employees. It is also an example of how privatisation necessarily results in dehumanisation of work-force and curtailment of workers' rights to unionise and struggle for their rights, despite this being guaranteed by the law and Constitution.

As against the common perception that Maruti workers are highly paid, actual wages

of the workers have always been uncertain (See Chapter Two, section Nature of Employment, Wages and Promotions). This was because the major component of wages was determined by way of payment as incentive. Conditions of the 'incentive payment' were always decided by the management. Arbitrary revisions were often made in the norms of the incentive, which adversely affected the wages. In fact, changes in the norms of the payment of incentive bonus have been one of the first causes of discontent amongst the workers and remains so till date.

Till 1995, the wages at the Gurgaon unit were determined by an original incentive scheme, according to which 65% of all saving in the labour cost above the norm set was distributed to workers as incentive bonus. The production norm was then set at 41.5 cars per worker per year. In 1995, a new productivity-cum-profit based incentive scheme was brought in which revised norms of productivity per direct workers (i.e. workers directly involved in production) and that also included profit as a component. This scheme was to be revised after four years. In 1999, the union (Maruti Employees Union) demanded that the original scheme be restored with revised norms on account of increased production capacity due to mechanisation, etc. In response, the company brought in a new 'Productivity, Performance and Profitability Scheme'. According to this scheme, the incentive paid to the workers was to be calculated on the basis of sales of both cars and spare parts as well as the attendance record of the workers. It should be noted that by this time, as per the calculation of the Centre for Workers Management for Maruti's then union, workers' productivity by 1999-2000 had increased to 107 cars per worker per year. The union opposed this scheme, quite legitimately arguing that the productivity incentive could not be linked to sale as the latter was not in their control.

This led to the first major agitation in Maruti from 3 October 2000. The office bearers and workers resorted to a two-hour tool down strike in each shift and also a hunger strike.

The management responded with unjust suspensions and dismissals. Within a few days, the factory gates were shut and workers were told they could enter the factory only if they signed a 'good conduct' undertaking which restricted their right to protest. Workers refused to sign this undertaking and sat on a *dharna* first near the factory in Gurgaon and then at Udyog Bhawan, New Delhi. The management quite successfully diverted the focus of the agitation from the demand for a pro-worker incentive scheme to that of withdrawal of the 'undertaking'.

Being an equal partner in the company, the government should have intervened in the matter. It did so but not to favour the workers. Ultimately on 8 January 2001, workers had to accept a settlement through which they gained very little. In this agitation, 24 workers including some office bearers of the union lost their jobs through termination. Workers were not paid salaries for the entire period and the period after the settlement saw increase in work-pressure and severe harassment at the work place. The union was derecognised in December 2000 itself; a new puppet union called the Maruti Udyog Kamgar Union was floated by the management.

In this entire period, not a single instance can be cited where the labour department intervened on behalf of the workers. On the contrary, it preferred to stay away. Cases were filed by the union against the unfair labour practices in the labour court and the High Court, but courts failed in providing any relief or justice to the workers (See PUDR report *Hard Drive*, 2001). Cases filed by the dismissed workers in the labour court and the High Court have not resulted in any worker getting justice till date.

Bringing in a Voluntary Retirement Scheme (VRS) in two phases in 2001 and 2003 at Maruti was yet another anti-worker move initiated by the company. This move led to the replacement of the permanent workers considered undesirable by it, by contract workers who are paid much less for the same work. By this time,

the government's share in the company had got reduced significantly. At Maruti's Gurgaon unit, employees' salaries and other benefits have never exceeded 3% of the total turnover; this percentage also includes the salaries of the management personnel which is a significant portion of this expenditure. Between 2001 and 2003 when the VRS was brought in, the employees' cost was 2.16% to 2.43 % of the total turnover.

The implementation of the scheme was hardly 'voluntary'. In fact, the management targeted active union members who were forced to accept the VRS. One hundred and eleven workers were terminated in 2002 simply for not accepting the 'Voluntary' Retirement Scheme. In the two phases of the scheme, around 2500 permanent workers lost their jobs either because they were forced to accept VRS or were actually removed for not accepting the same. Methods used to force workers to accept VRS included questioning, threats of removal, arbitrary transfers from one kind of work to another, selectively intimidating the physically challenged or those suffering from ill health and, of course, termination if they did not bow down to any of these.

The company violated its own norms for VRS as well as those of the Government of India in the implementation of the scheme. The workers alleged that there were serious irregularities and lack of transparency in the calculation of dues at the time of taking retirement. In fact, a number of workers were paid much less than what was due to them on the pretext of some charge sheets pending against them. The company also got rid of another set of its workers who were not entitled for VRS through a second scheme brought in November 2001 – the Voluntary Suppression of Services (VSS) scheme. Sixty-eight permanent workers (specifically, drivers) lost their jobs through this scheme.

Thus, the VRS served a dual purpose for the management. It substantially reduced the labour costs of production and helped the company silence the voices of workers by

eliminating those who were most vocal. Once again the labour department failed the workers by not heeding their complaint regarding coercive measures to accept 'voluntary retirement'. (See PUDR report *Freewheelin' Capital*, 2007.)

In 2006, the second manufacturing unit of the company was started at Manesar. The unit is constructed in an area of 600 acres with two fully integrated plants. The unit also has a third proposed assembly plant which will become operational this year. The Manesar plants are highly automated with advance robotics, high-tech paint, welding and machining infrastructure. It is estimated that about two-third of the workers at Manesar unit are contractual.

Ever since 2001, the Maruti management has often claimed that it is facing stiff competition from other entrants in the automobile industry and this is also offered as a plea for the need to reduce the costs. However, a look at annual reports shows that the facts are very different. MSIL's annual sales have increased from around Rs.9 billion in 2001-02 to over Rs.360 billion in 2010-11, i.e., a forty fold increase.. The company complained about loss of profits due to first round of workers' agitation at Manesar in 2011, but it is significant to note that in the period between 2007-08 and 2011-12, the company's sales have doubled from about Rs.178.6 billion to Rs.347 billion, while the number of units produced went up from 764,842 to 1,133,695 and net worth of the company increased from about Rs.84.2 million to Rs.151.9 million during the same period. In 2011-12 itself, the company sold 12,71,005 cars thereby earning a profit of Rs.3135 crore (before tax).

The chairman of Maruti company has written about this unprecedented success of the Maruti work-force in the following terms:

"It is to the credit of our production team that they could bring in many innovations on the production system, which resulted in total sales increasing in 2010-11 to 1.27 million cars from 1.02 in the previous year -

Box 1: Policies, Growth and Wages: The Auto Industry

The neoliberal policies, being implemented in the guise of globalisation to speed-up the development of the Indian Industry since 1991, are believed to have created employment opportunities in the industrial sector. Yet the truth belies this popular understanding. According to the Economic Survey 2012-13, employment in manufacturing sector has increased only marginally, from 47.06 lakhs in 1995 to 53.07 lakhs in 2011. During this 16 year period, the average annual increase is a mere 0.86%. But what is unfortunate is that in the name of developing a globally competitive industry, the labour regulations and the labour laws were allowed to be ignored by the private industry.

The major happening in this period is the growing practice of employing a large number of casual/contract employees on regular jobs. A number of companies, particularly the new ones, ensure that a large percentage of the workforce remains in the contract/casual category and is paid much lower wages than that of permanent workers. Maruti Suzuki India Ltd is a prime example of this phenomenon. Is the great growth of about 8% per annum in recent years (2000 onwards) in the Indian economy and the prosperity it brought to the top industrialists, (who are also in the much valued Forbes List) in any way 'trickling down' to workers? The data clearly demonstrates that this is not so. The real wages in the motor vehicle industry (wages after adjusting the inflation) have come down during the decade 2000-01 to 2009-10. (Chart-1) Also, as can be seen in Chart-2, wages as percentage of net value added has been declining in the automobile industry.

This naturally has led to unrest among the work force in the automobile industry. Among the prominent instances of labour agitation in the auto and auto parts sector are: Mahindra (Nashik), May 2009 and March 2011; Sunbeam Auto (Gurgaon), May 2009; Bosch Chassis (Pune), July 2009; Honda Motorcycle (Manesar), August 2009; Rico Auto (Gurgaon), August 2009, including a one-day strike of the entire auto industry in Gurgaon; Pricol (Coimbatore), September 2009; Volvo (Hoskote, Karnataka), August 2010; MRF Tyres (Chennai), October 2010 and June 2011; General Motors (Halol, Gujarat), March 2011; Maruti Suzuki (Manesar), June-October 2011; Bosch (Bangalore), September 2011; Dunlop (Hooghly), October 2011; Caparo (Sriperumbudur, Tamil Nadu), December 2011; Dunlop (Ambattur, Tamil Nadu), February 2012; Hyundai (Chennai) April and December 2011-January 2012; and so on. (<http://www.rupe-india.org/52/auto.html#note1>)

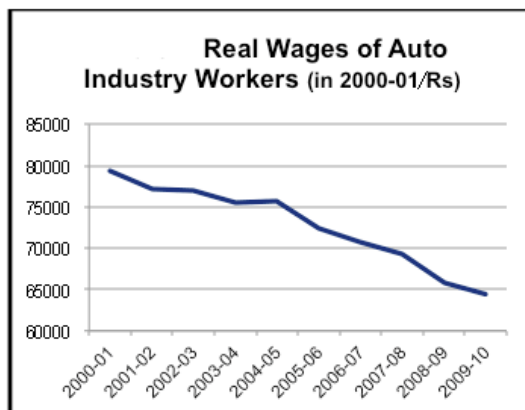


Chart 1 Source: Annual Survey of Industries

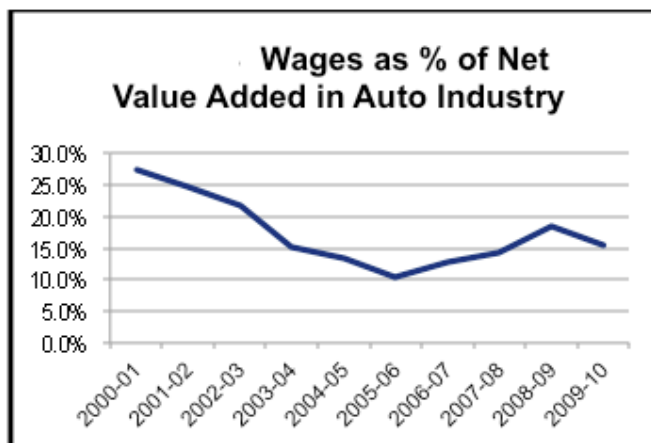


Chart 2 Source: Annual Survey of Industries

an increase of 25 per cent. Producing 250,000 extra cars, without any new additions to capacity was really an outstanding

achievement.” [From *The Maruti Story: How a Public Sector Company put India on Wheels* by R.C. Bhargava (2010)]

Over the years, Maruti’s expenditure on workers has continued to remain lower than that of almost all other automobile companies, where expenditure on employees ranges between 4%-5% of net sales. The profit ratio of the company thus has remained consistently high, and this is ensured on the basis of the consistently high degree of exploitation of workers.

Even as profits of the company were soaring, real wages of Maruti workers rose by just 5.5% between 2007 and 2011 while the consumer price index rose by 50% during this period. In contrast, the annual remuneration of MSIL’s CEO increased from Rs. 4.73 million in 2007-08 to Rs.24.5 million in 2010-11, an increase of 419%.

By the time Manesar unit was opened, the workers’ condition in Gurgaon unit had deteriorated to a considerable extent and the bargaining power of the workers had touched a real low. Workers there had lost out a number of hard won gains. In the Manesar unit the company not just replicated the model of the Gurgaon unit of that time, but created even harsher work atmosphere for the workers. Thus the workers at Manesar inherited the losses of the Gurgaon workers. There must have been grievances from the beginning itself, however, workers’ unrest became visible to the outside world only in 2011, when an agitation was started in the Manesar unit for the registration of their union and for regularisation of contract workers. The agitation continued for over a year in some form or the other till 18 July 2012.

TABLE 1	
Employee Salaries & Benefits	
as percentage of net sales	
Year	Percentage
2001-02	2.24
2002-03	2.52
2003-04	3.3
2004-05	1.8
2005-06	1.97
2006-07	2.01
2007-08	1.99
2008-09	2.31
2009-10	1.88
2010-11	1.94
2011-12	2.4
<i>Source : Annual Reports of MSIL</i>	

TABLE 2	
Timeline of Developments and Labour Struggles at Maruti	
2000	Management controlled union MUKU set up at Gurgaon unit
2001	First elections of MUKU held at Gurgaon unit
2006	First Maruti plant set up in Manesar, Haryana
3 June 2011	Application submitted to Labour Dept., Haryana, by Maruti Manesar workers to register their independent union, the MSEU
4 June 2011	Sit-in strike/ occupation by workers at Manesar unit begins. Demands include making temporary and contractual workers permanent, apart from primary demand of right to unionise in order to raise persistent legitimate demands regarding the duration of work, work pressure, etc.
6 June 2011	11 workers active in the agitation terminated in the Manesar unit.
17 June 2011	Agreement reached by intervention of the Deputy Labour Commissioner (DLC), dismissed workers reinstated; workers assured verbally that their union would be registered.
July 2011	4 workers terminated and 6 workers suspended on grounds of 'indiscipline' and 'negligence.' Continuous tension and regular everyday confrontations on the shop-floors.
14 August 2011	Manesar workers' pending application for union registration rejected by labour department on technical grounds
24 August 2011	4 workers suspended
28-29 August 2011	A large number of policemen enters the Manesar unit and management seals gates of the unit - illegal lockout.
29 August 2011	Management declares that workers can re-enter the plant if they sign a 'good conduct' undertaking. Only about 20 workers sign it while the others stay outside.
August-Sept. 2011	Series of suspensions/terminations of workers by management on various grounds. By mid-September, 57 workers at Manesar unit suspended or terminated. Management also hires about 800 new contract workers as existing workers protest outside.
September 2011	Routine harassment, arrests of union leaders and active workers by Haryana police, even as negotiations were being attempted. Joint demonstrations by unions of other factories in support of Maruti workers in Gurgaon-Manesar.
September 2011	A second plant – B Plant – set up at Manesar. Many contract workers and those loyal to the management shifted there.

30 September 2011	Workers agree to sign the 'good conduct' undertaking and company agrees to convert 44 terminations into suspensions. Also agrees to take back 18 trainees thrown out by management.
3 October 2011	Workers arrive at Manesar to re-join work. Only permanent workers allowed in while 1100 contract workers denied entry and told to take final dues and leave. Only 100 workers do so.
7 October 2011	Permanent and contract workers start a sit-in/occupation inside the unit demanding reinstatement of contract workers, and re-starting of bus service. 11 other unions join them and occupy their own units.
13 October 2011	High Court passes order that workers should vacate factory and protest outside. Police enters Manesar unit, closes water supply, canteen, etc. Workers move out and continue protest
17 October 2011	Large public meeting called by workers. Plan to continue with the protest.
21 October 2011	Strike suddenly ends, 30 workers suspended, including union president and general secretary, Sonu Gujjar and Shiv Kumar.
30 October 2011	Workers regroup and begin process of forming new union.
November 2011	Management promises to assist them to get union registered conditionally, provided they do not contact outside unions. Deadline of 31 December 2011 agreed upon.
31 December 2011	Union not registered; management promises that it will be done by 31 January 2012. Management tries to pressurise workers to withdraw their demand.
31 January 2012	Maruti Suzuki Workers' Union registered.
1 March 2012	Registration number of union received. Workers celebrate this.
18 April 2012	Charter of demands of union presented to management. Demands aimed at reducing work pressure, duration of work, end of incentive scheme, etc.
May 2012	Two union leaders suspended over an altercation with supervisor over working conditions. Later in the day reinstated due to workers' collective pressure.
Mid June 2012	Management deducts bonus for 53 days' lockout in 2011, describing it as a strike.
June-July 2012	Negotiations between workers and management over implementation of charter of demands. Management refuses, talks break down.
16 July 2012	Workers stop reporting early (for 'communication' or 'exercise') and work only for 8.5 hours.

18 July 2012	A supervisor insults a worker named Jiyalal, using a casteist abuse; the worker is suspended. Negotiations between workers and management. Presence of 'bouncers' and labour officials. Police called in. Violence breaks out and HR manager dies. Registration of FIR (No. 184/2012, P.S. Manesar, Haryana, registered on 18.7.2012 at 11 pm) against union leaders and coordinators – 55 named and 500-600 unnamed workers. The FIR charged the accused under Sections 147, 148, 149, 452, 302, 307, 436, 323, 332, 353, 427, and 114 of the IPC.
18 July - 2 Aug 2012	Harassment of families of workers, custodial torture, detention, widespread and random arrests by Haryana police as they try to find whereabouts of union leaders and other active workers.
2 August 2012	Union leaders and active workers surrender.
August 2012	Workers arrested extensively – by the end of the month, over 145 arrested, including several who were not present inside factory premises on 18 July.
22 August 2012	Maruti Manesar unit reopens. Simultaneously 546 permanent workers arbitrarily terminated. Others called back and told to report to work between end August and early September 2012
25 September 2012	Maruti announces steepest wage hike for workers at Manesar and Gurgaon – widely advertised as a 49.25% rise. Wide disparity between contract and permanent workers
October-Nov 2012	Maruti Manesar forms 20-member Grievance Committee of workers and management representatives. Union leaders in jail and no union inside the unit.
Sept 2012 to present	Terminated workers organising meetings, appealing to labour court, trying to agitate for their rights. Some presently employed workers begin to come for their meetings in Oct-Nov 2012, reprimanded and intimidated by police and management for doing so. Terminated workers struggling under the banner of the MSWU, their legally registered union, are continuously harassed and intimidated by the Haryana police.
24 January 2013	One of the most active members among the terminated workers, also a coordinator, Imaan Khan, was arrested and charged with participating in the incident of 18 July 2012 – under the category of the 500-600 unnamed accused.

Dehumanisation of Work-force

The years 2011 and 2012 witnessed major workers' unrest and agitation at Maruti's Manesar plants culminating in the July incident mentioned above. In certain crucial ways, this has been linked to the organisation of work and work process at the plants.

If we see the history of labour struggles at Manesar, high speed of production, intensification of work emerge as among the most prominent (Table 2). The Manesar unit was designed by the company from the outset to incorporate these elements integrally into its functioning, and close the possibility of these labour issues being raised. (See section on Mechanisation). This structure, design, employment policy and organisation of production itself became the context of persistent labour unrest over the last few years.

INTENSITY AND SPEED OF WORK

During the first 3 years of the existence of Maruti's Manesar unit, 250-300 cars were produced in a shift. From 2009, the production was raised to 550-600 cars a shift. The car models presently being manufactured at Manesar are AStar, SX4 and Swift Dzire.

One of the distinctive features of all Maruti plants, which makes the work particularly strenuous, is the absence of any declared daily target; the assembly line continues no matter how many cars are produced. Workers who had worked in other automobile factories such as Honda told us that unlike Maruti, they have fixed daily targets and the assembly line in each shift stops the minute the target is achieved.

The targets and expected speed of production were also extremely high. This was one of the issues taken up by the workers' union in 2012. Prior to that, the assembly line was supposed to meet the target of one car in every 42 seconds. Once the union was registered in March 2012, the pace of work was reduced somewhat – to one car in 50 seconds. High speed production is not just a feature of the assembly line but also of the other 'shops' – casting, welding, painting,

etc. Each shop has to work under pressure to ensure that the rate of production is kept up. This feature is not limited to the Manesar factory but is also characteristic of the Gurgaon unit. In the Engine Assembly line at Gurgaon for example, there are presently about 450 workers employed per shift and the speed of production there is about 1 car engine per minute, as the output and market demand is believed to be lower at present. Earlier when the production had been higher, the expected speed of production was about 1 car engine per 45 seconds. A worker reported that he used to do the work of checking 142 parts of a car (more or less in different cars) in the assembly line in just 42 seconds. He had complained that it was too much for him, and once the union was registered, another worker was sent to assist him at his station in response to his demand.

Apart from the speed, a relentless and continuous schedule of work characterises production at Maruti. Workers have to work in shifts of eight and a half hours, in which they get a lunch break of thirty minutes and two tea breaks of seven minutes each. Once the shift gets over, the worker cannot leave his station till the worker from the next shift takes over, so that the production is not stopped at all. Significantly, this is actually included as a clause in the Standing Orders of the Manesar unit which state that:

“Workmen working in one shift shall not leave their work unless and until they are relieved by the workmen of succeeding shift. In any event of workmen for such succeeding shift failing to report for work, the concerned workmen on duty shall continue to work in the said shift. [(Standing Orders, Maruti Udyog Limited – Manesar unit, 2007; Section 9 (8)]”

Although the worker who stays beyond his shift is not compensated for overtime, but half a day's salary of the worker who arrives late for the next shift is nonetheless deducted.

When the Manesar unit reopened after the incident of 18 July 2012, the work pressure there increased even further, primarily because of shortage of workers. For instance, in a section where there should be about 20 workers, there are about 11 and each worker now has to do more tasks than before. For example a worker who might earlier had been fixing speakers in the Maruti Dzire model, would now have to fix the glow controller and trunk lead harness routine and also fix the rear bumper clamp. Or another worker at the paint shop, who might have been working in a section where there were 28 stations, would have to perform the same set of tasks, even though the number of stations for completing the same work has been reduced to 24 and the number of workers to complete the work is only 21. The workers were particularly stretched because of having to perform multiple tasks, and were not getting any reliever even for a few minutes. Thus, even though the time taken for producing a car, which was about 42-45 seconds earlier, increased to about 60 seconds, the work pressure became more intense.

POLICY ON LEAVE

Another aspect that contributes to the intensification of the work pressure is the Maruti management's policy on leave. When the Manesar unit was started, the workers there had to regularly work overtime for 2 hours daily, without any extra payment or compensation. There were no medical or other benefits and no paid leave; also no bus facility. Between 2006 and 2011, while issues such as bus facility for permanent workers, medical benefits and increase in wages were partially addressed, the issue of leave remained unaddressed. Until the earlier union of 2011 took up the issue, workers effectively had no paid leave. Even subsequently every leave a worker took meant a percentage deduction from his salary. If a worker took one day's leave even after informing the supervisor, then a sum ranging from Rs.1200-Rs.1500 (depending on the salary of the worker) was deducted from his salary. The amount increased proportionately for every day of leave taken. If a worker had to take 4 or 5 days of leave in a

month, even for entirely valid reasons such as illness, he had to forego effectively about half of his salary even though he would work for the rest of the month and even if he would have informed the company in advance. If he took leave without informing the supervisor, even for an emergency, then the deduction was about double the amount. If he had not informed in advance he stood to lose about 50% of his monthly wage (about Rs.9000 for permanent workers) if he took about two and a half days of such leave. These wages are deducted from the incentive-linked part of the workers' wages, discussed in the section on 'Nature of Employment, Wages and Promotions' below.

The question of leave became an issue in the workers' struggle in another way. Workers are paid for eight and a half hours of work, even though the management makes them work for 15 minutes extra at the end of every shift. As per the management's calculation, this amounts to 9 days of work in a year by each worker and hence they promised 9 days of leave in exchange. However, in a clever ploy, the company, instead of actually granting leave to the workers, decided to pay them the basic pay for 9 extra days in a year. Since the basic pay of the workers formed a minimal component of their total pay, this came to less than Rs.2000. During their training period, workers did not even get the extra 9 days of basic pay. This became an important issue in the unrest over the last two years.

After the wage settlement of September 2012, permanent workers have been told that they will be given 9 days of leave in a year and 3 days of 'privileged leave'. However, these 9 days of leave also require the company's prior approval to be granted at its discretion. The extra 3 days of privileged leave are also not to be given to the workers directly but adjusted against their leave deducted during the two routine maintenance shutdowns in a year (8 days in June and 10 days in December). Earlier the workers and the company shared the cost of stopping of work equally. If the plants would take a shutdown for 18 days, workers would be paid their salary for only 9 days. Under the

Box 2: Human Robots 1 Seat Assembly Operation

Tasks to be completed within the target set

A worker about 26 years old works in what is considered to be the less stressful work of 'seat assembly' which he has been doing since he joined the plant 5 years ago. Different cars come by on the conveyor belt and he has to know how to fix the seat in about 30 different models. The following is a breakdown of the operations he has to complete within the target time limit – 36 seconds were set by the company but due to the workers' agitation this had come to about 50 seconds, before the 18 July incident.

1. Match the number on the body of the car as it comes by on the conveyor belt with the number on the seat which comes near the worker's station on another conveyor belt.
2. Lift the seat, put in the matching car, by holding the lifter lever, putting it under the seat, press the lift and then press a sensor with the foot so that the seat conveyor moves on and the next seat can come in place.
3. Fix two points of connection fixing the seat to the car.
4. Lift 4 bolts, one gun and one limit wrench marker from the tool station.
5. Tighten two bolts in front with the gun.
6. Check the bolts are fixed using the limit wrench (also called torque wrench).
7. Mark with red marker to indicate that it is done.
8. Push seat ahead.
9. Shift tools to the back.
10. Tighten two bolts at back with the gun.
11. Check the bolts are fixed using the limit wrench/ torque wrench.
12. Mark with red marker to indicate that it is done.
13. Fit in the glow-box (below the dashboard) or the cover for the space (differs from model to model).
14. If the worker is fixing the seat on the driver's side, he also has to fix the steering column cover with two screws (if it is there in the model).
15. Move on to the next car and next seat. Workers have to work on all the different kinds of models, with internal variations for grades within the models. Upto about 4 months before 18 July 2012, the workers who fitted the back seat had to physically lift the heavy seats as the seat conveyor belt system was not in place then. Each seat weighs at least 20 kg, while seats of certain models, like the SX 4 were 24 kg.

After finishing these operations (fitting in the front or back seat) in one car, the worker moves on to the next car. He has to continuously carry out these operations, repeating these actions maintaining speed, for eight and a half hours in a day, every single day.

It is difficult to imagine how so many operations can be performed by a worker in 50 seconds, that too repeatedly for 8 hours on a continuously moving conveyor belt. Generally the company management's target would be over 530 cars per shift, which meant that the speed of the line would have to remain high. Shortfalls were made up by increasing the speed of the line and the conveyor belt.

A worker could also be a 'reliever'. Prior to 18 July 2012, workers had been able to assert themselves and get one 'reliever' for 20 workers in this section. The reliever had to keep track of a big monitor placed on one side. Workers at the assembly line had a red and yellow button by their side. They pressed the yellow button in case of any difficulty. These were displayed on the monitor, along with the particular stations where the problem had arisen. These were displayed on the monitor, along with the particular stations where the problem had arisen. The reliever had to go there to sort out the problem or relieve the worker in case he wanted a break. At any given point there would be more than one problem spot. The red button could be pressed in the case of emergency, and this was aimed at stopping the conveyor belt.

present settlement, the privileged leave will get added to the workers' share of the leave, and the workers will be paid salary for 12 days. It is significant, however, that since the workers have not actually received a copy of the new settlement, it remains to be seen exactly how the leave or other provisions will be implemented. There is further room for suspicion because at the time of signing the settlement, the workers were called in individually to the HR offices, told to rapidly go through the 6-7 pages of the settlement document and sign it. Moreover these provisions as and when they are made effective, will only apply to permanent workers.

WORK SCHEDULE

Most shops at the Maruti plants run two shifts – the 'A' Shift from 6.30 am to 4.00 pm, and the 'B' shift from 4.00 pm to 12.00 midnight. The paint and weld shops run 3 shifts – running the 'C' shift in the remaining time.

The actual time workers have to spend for work is effectively much more than the scheduled eight and a half hours. For instance the workers staying in and around Gurgaon town (majority of the permanent workers) have to leave their homes about 2 hours before the shift when the buses come to pick them up. In addition to the extra 15 minutes they have to work after the shift, workers are also required to report for work 15 minutes early. This time is supposedly for them to 'exercise' and for 'communication' – i.e., reporting by the management about targets and production related information. The 5-7 minutes' physical exercise, euphemistically termed 'yoga', has been advertised by the company as a means to keep the workers fit and enhance their well being. However, the brutal and relentless pace of work makes the workers perceive this as yet another burden. In fact a few days before 18 July, the workers led by their union had stopped reporting 15 minutes early, as part of their on-going negotiations with the management. When the unit reopened in August 2012, however, workers were made to restart reporting early by the company.

The Manesar unit's Standing Orders are structurally weighed against the workers. They incorporate a clause that gives the company the power to arbitrarily and regularly summon workers early for work on the pretext of 'preliminary work' – 'The workmen shall be liable to report for duty earlier than their scheduled reporting time if it is necessary on the part of such workmen to perform certain preliminary work or the like which is essential to be performed, prior to the commencement of their normal shift/work.' [Section 9 (9), Standing Orders, Maruti Udyog Limited, Manesar unit.] The clause in the Standing Order of the Manesar unit further states that the workmen shall not be entitled to raise objections to this, and comply with the 'directions issued by the management in this regard'. When this clause is routinely implemented and workers are summoned for work regularly before time, it amounts to a subversion of the Factory Act, 1948, that the company is governed by.

As mentioned earlier, the work day of Maruti workers is interrupted only by a 30 minute break for lunch and two 7 minute breaks for tea. Going and coming from the canteen takes about 10 minutes and there are long queues for lunch. The lunch also becomes a rushed affair, with workers actually getting about 10 minutes to somehow finish their food. There is no time to relax even a little. The same applies for the tea break. Such is the extent of dehumanisation that the workers sometimes cannot even take a break for going to the toilet when required. The situation was tough even before 18 July where workers had to wait for relievers called out by supervisors to go to the toilet. Things have become significantly tougher after the reopening of the plant.

The overall deterioration in working conditions with the growth of privatisation is evident from the fact that the agreement made between workers and management after the first major labour struggle in Maruti in the year 2000 at the Gurgaon unit incorporated two rest periods of 20 minutes each. These were

accommodated as 'recovery' time as mandated by the ILO norms, apart from the lunch and tea breaks, and these periods are believed to be necessary for the workers to move from one set of operations to another. The management had conceded this demand at the time, but soon made a counter offer to workers that if they were willing to forgo the relief time they would be paid Rs.700 extra. Almost all the workers had taken the offer. But subsequently the extra payment of Rs.700 was withdrawn and thus workers lost their 'recovery' time. At the Manesar unit, no such relief time was ever given even though, peculiarly, there are demarcated 'rest' areas within the premises.

Prior to 2000, eight hours' duty included half an hour's lunch break. The management then offered to provide free lunch to workers in lieu of working half an hour extra, i.e, working for eight and a half hours'. Workers accepted this deal. Subsequently the free lunch was reduced to 50% subsidy in the cost of a meal in the canteen. Thus, effectively, though the second part of the agreement continued, the first part was withdrawn, making the workers work half an hour extra and also paying for their lunch. While the workers are charged for meals only if they take food in the canteen, the charges for tea and snacks are deducted from every worker's wages whether or not they had taken them.

NATURE OF EMPLOYMENT, WAGES AND PROMOTIONS

Workers joined the Maruti Manesar and Gurgaon plants either as apprentices or directly as contract workers. Those recruited as apprentices normally serve as such for one year. They would be paid a nominal monthly amount, less than half the salary of the contract worker, and a large proportion of this amount is linked to the workers' attendance. After this if the apprentice wanted to work for the company, he could apply to the supervisor with all his documents, certificates, etc. The supervisor would then check his record focusing particularly on his 'behaviour' – i.e., whether or not he had complained or asked questions, or come late, etc. In case his record was 'clear',

the supervisor would submit the apprentice's documents to one of the contractors, who would then employ him as a contract worker. The worker's status alone would change, though his work remained the same.

After working for a few years, the contract worker could try to become a permanent employee of the company. This would be a long-drawn-out process, even if the worker's past record was approved by the supervisor and the worker was not regarded as a 'troublemaker'. Not every contract worker would be absorbed as a permanent one in the company. To become permanent, they would be first made 'trainees' even though they might know the tasks to be done and would have worked at the same job as apprentices and contract workers.

After serving as a technical trainee (TT as per the earlier nomenclature), the worker would reach L1 (Level 1), the first stage as permanent worker, where he would remain for 3-5 years. He would then get promoted to L2. After spending another 3-5 years at this stage, he would proceed to L3. And similarly, after a few years at this stage, he would move to the L4 and L5 stages. At these higher stages, he would have to spend a few more years (about 4-5 at each level). Among some of the important criteria for promotion at each level were 'good behaviour' and 95% attendance.

Prior to 18 July 2012, the period of training was 3 years and one of the demands of the labour struggle had been to reduce this to 2 years. The new settlement after the reopening of the factory ostensibly concedes the earlier demand of the workers' union of reducing the training period from 3 to 2 years. While the route taken by workers till the trainee stage remains the same, the company has announced that those who become permanent workers will initially be 'Company Trainees' (CT) and work as such for two years in the categories CT I and CT II. After this they would be promoted to the post of MA (Maruti Associate) I and then to MA II, and MA III after working for a fixed tenure of 3 years at each level. The attendance requirement remains the same as earlier, i.e., for promotion from MA

I upto MA III, 95% attendance is necessary.

Earlier after three years of training, workers were directly promoted to the wage and work level equivalent to the Maruti Associate III of the new scheme. Now with the 3 stages of the post of 'Maruti Associate' clearly delineated (MA I, II and III), a new trainee will take 5 years more to reach the level of MA III. However, the implementation of this scheme can be analysed only after a fresh batch of trainees is recruited and the workers apply for permanent job in the plant.

Much of the new arrangement and promotion scheme remains theoretical. Currently, the only grades of permanent workers present on the shop-floor at the Manesar unit are those employed before 18 July 2012 and called back to work at the unit in August 2012. All of these workers who had previously completed more than three years in the factory and had reached MA –III grade. It is this category of apparently about 600-700 workers who have been given the much advertised pay-hike of September 2012.

It seems that the rest of the workforce, after the incident comprises of fresh ITI apprentices, short term casual workers and helpers. Many of the new recruits are strategically chosen from outside the state. It appears that the company is now employing 'casual' workers directly instead of hiring them through the contractors as was done earlier. These casual workers, numbering only about 240, are paid a somewhat higher salary, about Rs. 12000 per month as compared to Rs. 8000-9000 paid to the earlier contract workers. Some of the earlier contract workers have been absorbed in this category. About 800 workers, the largest category are employed as 'helpers'. These seem to be non-ITI workers who are being deployed on the shopfloor in a number of operations. The 'helpers' are employed through the contractors and get about Rs. 8000 per month, compared to the Rs. 6000 per month that workers in this category used to earlier get. After the incident, the company had announced that it will regularise the contract workers, but the scene

on the ground seems to be completely different.

As mentioned earlier the pay structure of even the permanent workers was and continues to remain highly exploitative in nature. It has a variable and a fixed element. The variable element is linked to the so called Production-Performance-Rewards Scheme (PPRS) and constitutes about 50% of the salary. This portion of the wages is changeable as it is linked integrally to the workers' leave record, the main parameter of measuring 'performance'. This constitutes the major part of the workers' wages in the older as well as newer wage structure. It was from this component of the salary that the deductions on account of their taking leave, (mentioned above in the section on Policy on Leave) were made. In the aftermath of the 18 July incident, the Maruti management, in order to indicate its willingness to address workers' grievances, announced a pay-revision in September 2012, with considerable fan-fare. Prior to this period, the permanent workers in different work processes, who had worked for about 4 years, would get a gross pay of Rs.18,000 per month. After the pay hike the same workers would now get close to Rs.30,000. While this could be seen as a remarkable increase, a closer analysis of the old and new pay scales reveals that the effective increase is nominal (See Box 3).

Also the most significant commonality between the old and new norms of payment of wages is the fact that a considerable proportion of wage received by different categories of workers is still linked to performance based incentives and attendance records. Thus the wage structure and manner of disbursing wages, before and after the wage hike, continue to work to regulate and control workers, ensuring their presence at their stations and engagement in work on the shop-floors, day after day.

CONTRACT WORKERS

Using temporary and contract labour for regular production is not an exception but a norm in Maruti. According to the Contract Labour (Regulation and Abolition) Act, 1970, and Contract Labour (Regulation and Abolition)

Central Rules, 1971, it is illegal to employ contract labour where 'work is perennial and must go on from day to day', 'where the work is necessary for the work of the factory', and 'where the work is sufficient to employ considerable number of whole time workmen'. Officially, about 40% of the total 9100 workers at the Maruti plants are temporary or contract workers. The actual proportion of contract workers at any time has always been greater. Thus, according to statistics compiled by the labour department of the district, there were

1054 regular or permanent workers (Maruti Associates), 416 'Technical Trainees' and 225 'Apprentices' and 2600 employed contractually at the Manesar unit, prior to the 18 July 2012 incident. The number of 'Staff Supervisors' in the unit was 800 (*Figures compiled in 2012 by DLC, Gurgaon, JP Mann*). Thus less than 25% of the workers were permanent at the Manesar unit on the eve of the incident. The Gurgaon unit also relied substantially on contract labour, though the proportion was less than in Manesar – while about 1800 to 2000 workers were

Box 3 : The Illusion of Pay Revision – the reality of the 'salary-hike'

Pay revision was one of the demands of the workers' union for a long time. The Maruti management had implemented a wage revision in its Gurgaon factory. They wanted to push through the same wage agreement at the Manesar unit, a move which the workers there were vehemently opposing. However, after the July 2012 incident, the management succeeded in bringing about this particular scheme of pay revision in the Manesar unit too. While announcing this wage agreement on 22 September 2012, the management made huge claims in the media about the unprecedented scale of this wage hike. The details of the component wise hike in the salary of a sample worker is given in the Table.

From the Table it seems that the wages have gone up by 64 % (from Rs.19,253 to Rs.31,501). But the reality is very different. The management played a trick in the last two components. These incentives are a share of the profits earned from the sale of original Maruti spare parts, however nominal, these were part of workers'

Salary Component	Salary (in Rs.)	
	Pre-Revision	After Revision
Basic Pay	5150	8050
Variable DA		133
HRA	1600	2200
Uniform Maintenance	260	2000
Fixed DA	250	1350
Child Education Allowance	200	200
Shift Allowance	525	250
Conveyance Allowance	1775	2000
Special Allowance	583	559
Production Performance Reward	8910	9350
Additional Settlement Benefit		2000
PPRS (In house spares)		3409
TOTAL	19253	31501

wages earlier also. They were earlier paid annually, and are now split and merged into the monthly wages, so that the latter appear inflated. If we ignore these components, i.e., Rs.5409 (Rs 2000+Rs 3409), the salary has gone up only 35 % (from Rs.19,253 to Rs.26,092). Moreover, by making the incentives part of monthly pay, the management has put an indirect cap on these. Both these amounts were earlier variable and expected to rise every year with the company's growing profits. By converting this component into a fixed amount given with monthly wages, the new settlement inflates the monthly wage, but effectively deprives the workers of even the miniscule share in the growing profits of the company that they previously had. Since this wage settlement is of three years' duration, the incentive amount will remain unchanged even though profits of the company are expected to increase in the same period. Additionally this amount has also been linked to the attendance and leave record. If a worker is absent for more than six days in a quarter he will not get any of these payments.

employed on contract in the plant, there were about 2713 apprentices and regular (permanent workers).

Significantly, contract workers are paid on a daily wage basis i.e. they get paid for 26 days in a month and don't get paid for the weekly leave on four Sundays. The fact that some workers have been on contractual jobs, for a decade or more, and several thousands have been contractually employed for four years or more, shows that these workers are deliberately retained as permanently temporary workers, in clear violation of law and labour rights.

The wage gap between regular and contractual workers is striking and has become more so after the recent pay revision. Earlier, a permanent worker would get a salary of about Rs.17,000 per month and the additional annual incentive of about Rs.65,000 while a temporary worker got about Rs.9000 per month for the same work. After the wage-hike, permanent workers now get about Rs.29,000-Rs 30,000 per month while contract workers (helpers) get about Rs.8000 and the newer category of 'casual' workers are getting around Rs. 12000. On the shop-floor, the only difference between regular workers and the contract workers are their uniforms and the pay that they get. Apart from the sheer expansion in profits resulting from employing temporary workers and saving on wage cost, the fact that these workers are more vulnerable, easily controlled and not part of the unions is included in the calculation made by the company in maintaining such a high percentage of temporary workers.

Contract workers would arrive at the shop-floor by different routes. A small number of the contract workers joined the unit as apprentices. As mentioned earlier, after working as apprentice, a worker on his road to becoming permanent, would have to first apply for a contractual appointment which he might or might not have got.

Different companies of contractors operate in different 'shops.' Thus while a company called 'Tirupati' headed by Rakesh, a contractor, supplies workers in the weld-shop,

another company called GS (after the contractor Gulab Singh) operates in the logistics department. Other contract companies are Sharda, VGR, FMEW etc. most of which have been supplying contract workers for over a decade or more to Maruti.

The majority of the contract workers directly approach the contractors for employment, often through the recommendation of their relatives or friends already employed in the plant. Certain sections of the plants, for instance the assembly, welding, painting shops, presently employ the maximum number of contract workers. Till recently the contract workers in different departments were mostly ITI trained. The department where they earlier employed non ITI workers was for loading and unloading and carrying equipment from one place to another. These workers were paid much less. However, if there was shortage of staff, even these workers were put to work on the assembly line. In the present scenario it appears that the proportion of such (non ITI) workers among the contract workers is higher.

At the time of appointment, contract workers are not given any letter, but only verbally informed about their appointment. The contract is not time-bound, and the workers can be and are thrown out when production is slow, or if their 'behaviour' is considered obstructive by the supervisors. As discussed earlier, only about 600-700 of the workers reabsorbed into the Manesar unit in August are employed in the 'permanent' category, while the remaining workers are employed either as 'casual' company employees or on 'contractual' workers recruited through contractors. In the initial months after the unit reopened, there was an acute crisis in labour. Thus, for instance, in a 'shop-line' where 60 workers are supposed to work in one shift, about 45-50 contract workers had to do all the work.

Apart from this continuing state of vulnerability of contract workers, intentionally created and carefully maintained and the difference in their wages as compared to those of permanent workers, there also is a difference in the leave conditions. Contract workers were

entitled to two days of leave in three months. If they took extra leave, say three or four days in three months, even after informing and taking permission from the supervisor, they lost the entire incentive linked pay (Rs 1950) in one month.

When the Manesar unit started, the company only employed permanent workers, retaining them as 'trainees.' They were kept as 'trainees' long after they had learnt the work. Trainees have also, in the past, been fired during the training period if they 'misbehaved.' The trainees were paid less than the contract workers. In 2007 they first brought in some contract workers and in 2008 they did not admit any new permanent workers, but employed only contract workers. The Manesar unit was designed to be an extra 'efficient' one from the outset, where the company authorities tried hard to foreclose the possibilities of any labour struggles.

Another set of problems contract workers had been facing particularly were related to their places of residence. Prior to 18 July 2012 the contract workers at the Manesar unit were not entitled to bus facilities, and had to therefore stay close by, in shared rented rooms in villages like Aliyar near the plant. One of the regular problems they would face was that since they (unlike the permanent workers) were paid in cash, and the date when wages were paid was widely known, workers would be attacked as they returned to their rented rooms in the village, and robbed of their salary. The provision of bus services for contract workers has been one of the changes announced by the company in September 2012. Contract workers subsequently began living at more affordable accommodation, closer to friends and families, at Gurgaon town for instance. Even though the company had announced that it would raise the contract workers' wages, this was not done. One of the implications of this announcement was that landlords in Gurgaon hiked up the rents for accommodation, in anticipation of a wage raise that has not arrived.

The large scale employment of contractual labour at the Maruti plants has maximised the

profits of the company. The policy of ensuring that workers were kept as 'trainees' long after they had learnt the work, and presently characterising them as helpers when they handle complete responsibility have further contributed to the savings of the company as they were paid lower wages. In fact, this could be an important reason behind the fact that Maruti's employee costs (including that of the management staff and workers), are significantly lower than other automobile companies, both in absolute terms and as a percentage of the net sales. (*Business Standard*, New Delhi, 27 September 2012).

As mentioned, contract workers are also significantly more vulnerable. Their position is distinctly more precarious on the shop-floor, because it is easier for the management to control, regulate and retrench them at will. The fact that none of the contract workers got appointment letters that specified the terms of employment can be seen as one of the violations of the Contract Labour Act. The 'official' union MUKU that is favoured by the management at the Gurgaon unit did not take up the issues of contract workers. Permanent workers with much higher wages and better terms of employment and at least some rights alone are members of the union and only their interests are represented there.

What had been strikingly different about the Manesar unit was the emergence of a union that took up the contract and casual workers' issues and even demanded the end of contract labour in its charter of demands. While there is a difference between the permanent and contract workers in terms of actual pay and terms of employment, the overall pressure of work was uniformly high and the wages of all workers were variable and tied to attendance and incentives. This meant that compared to the earlier context or other industries, the degree of difference in the actual work and the experience of the work was perhaps relatively limited. Moreover the permanent and contract workers often shared living space and built alliances outside the shop-floor. The workers' collective subjection to these similar forms of

exploitation and living perhaps built some bases for unity in the struggle waged together by permanent and contract workers in the Manesar unit.

TRAINING AND SKILL DEVELOPMENT

When workers join the Maruti plants, with an ITI qualification, as apprentices, 'trainees' or contract workers, they are put to work in different departments. All of them learn the work directly on the shop-floor. No training is actually given during the training period. There is, in practice, little difference between the work done by different categories of workers, or between the nature of work of casual workers, apprentices or trainees and permanent workers. For instance, apprentices do full time work instead of combining work with study and training. They also cannot follow the restrictions regarding the hours of work and against lifting heavy weights which are specified the Apprentice Act. Workers, who have been employed at Maruti for several years, rue the fact that many of them, especially those who are employed in the assembly lines, do not learn any work or skill, which could help them to find employment in other factories or industries. Workers in certain processes like the casting shop, where they might learn to operate the milling machine, have some chance of learning a skill, while others do not have this opportunity.

Workers are generally simply assigned to one station and are supposed to work there and sometimes expected to continue at the same station, doing the same work, for years, even though they might become permanent workers. There is no conscious effort to shift workers from one station to another so that they could learn variety of tasks. Ironically, engineers who join Maruti, and primarily do office work, collecting, collating data, and checking the quality of spare parts supplied to Maruti by its many vendors, are given training in different operations, while worker-operatives who actually do the work are denied such experience. Doing the same operation at the same station for years, resulting in a mind-numbing monotony which the workers hate. One worker we met had worked

at the same station on an assembly line for 8 years from the time he joined to well after he had become permanent. He was finally shifted to another station when he complained about this to his supervisor after becoming permanent.

Another aspect of 'training' that is made a mockery of, is the so-called 'safety training.' All workers who join are supposed to be given 15 days of safety training. This is by and large ignored. In rare cases, some workers are given this kind of safety training for 2 days. Most other workers are simply made to sign a form by their supervisors stating that their training had been completed. Given the safety hazards faced by workers on the shop-floor while handling inflammable materials and dangerous machines, the company's casual attitude towards workers' safety, fuelled by the objective of meeting ever increasing production targets has potentially dangerous implications.

MECHANISATION

Maruti's Manesar unit had from the outset been designed as a largely mechanised one. One of the objectives was to avoid the 'problems' of the other Maruti units – like the labour resistance at the Gurgaon unit. The former M.D., R.C. Bhargava, wrote about this in his book, 'The Maruti Story' – 'A new site was needed for future expansion and Manesar was selected [...] SMC [Suzuki Motor Corporation] wanted this unit to be very similar to the unit in Kosai, Japan, so that there could be a high level of automation, and the best SMC practice could be established here from the start. Suzuki did not want this unit to become an extension of the Gurgaon unit, which had been built over twenty years and had much more manual operations. He wanted the plants at Gurgaon and Manesar to compete with each other in areas like productivity and quality, with each being a benchmark for the other.' A new employment policy was adopted at Manesar – at the point of entry, no worker older than 23 years was to be employed. The unit also aimed to have 90% mechanisation, with a high proportion of the work especially in sections like the paint and

weld-shops being done by robots. In these highly mechanised sections, ten workers were supposed to be replaced by a single robot.

Workers felt even more vulnerable when the more mechanised B-plant of Manesar was set up in September 2011 and the loyal workers who were hired by the company during the lockout in 2011, were placed there, in the wake of the labour struggles led by A plant workers. Prior to opening of the B-plant, and the labour struggle of 2011, work-pressure in the A-plant shop-lines had reached a peak of intensity. In the weld-shop for instance, the number of work-stations had steadily got reduced from 16 in 2006 to just 4 in June 2011. After the B-plant was established, the load of work on the workers in the A-plant who weld manually had come down. Where workers initially operated three hand-welding tools, now one worker operated only one. At the same time weld-shop workers in the A-plant face the constant possibility, visible and at an arms distance of being replaced by machines. The company's decision to invest in expensive machinery, and ensure its maintenance, when manual labour is cheaply available has also got to be seen in the context of the management's efforts to keep workers under control.

Workers report that the work-load in the B-plant was significantly higher than in the other plant. The machines have to be continuously operated and maintained by the workers. Moreover the numbers of workers per line are lower, making it necessary for each worker to complete several tasks simultaneously, including operating machines. Poorly paid manual labour is employed for certain kinds of tasks and used alongside robots. The situation in the paint shop in the B-plant illustrated this – while 12 painting robots would work on one side, workers would carry 25 kgs headloads of used screens two flights of stairs up and return with a 30 kgs load of clean screens. Each worker would have to carry 70-80 screens up and down the stairs, working an extra hour without any overtime payment, if the job was not done by the end of the shift.

Another aspect of mechanisation visible in Manesar is that the proportion of temporary workers is invariably higher in the more automated processes. This is most clearly visible in the weld-shop. In the situation prior to 18 July 2012, in the weld-shop in the A-plant, around 25% of the workers were permanent, 10% were trainees, 10 % were apprentices and 55% were hired through contractors. In the B-plant weld-shop, with much higher automation, only 10 % of workers were permanent and 70 % were contractual. It must be noted however that although the B-plant was strategically designed to counter the labour militancy of workers in the A-plant, several workers of the B-plant have been indicted and terminated by the company for the 18 July 2012 incident as well. (*Gurgaon Workers News No. 51*)

The company's policy of increasing automation however continues subsequent to the events of July 2012. In September 2012, the chief operating officer of the unit MM Singh announced that the company has started mechanising certain processes in Manesar's A-plant. 'We have already started the process at Manesar's first plant to take automation to the maximum possible 99% level, where the press and weld operations would be on par with the second (manufacturing) facility.'

The press-shop is the section where steel sheets are moulded into door frames and then passed onto the weld shop to hinge them onto the body of the vehicle. The company management has stated that 'it will add another 50-100 new robots in the older plant at Manesar to increase automation to 99% from the current 90%'. They however did not state by when this process would be completed. (*The Economic Times, 3-9-12*)

Mechanisation has thus not only been a means of increasing productivity, lowering labour costs and thus increasing profits, but also a strategy deployed to control workers, ensuring their continuously precarious position on the shop-floor.

SUPERVISORS, MANAGEMENT, WORKERS

The incident that triggered the events of 18 July 2012 involved an altercation and conflict between a worker and a supervisor. Increase in tensions in shop-floor relations, particularly between supervisors and workers is an inseparable part of the ongoing intensification of the work regime. Each 'shop-line' in the Maruti plants has a supervisor. The supervisor is responsible for ensuring that the targets are met on the shop-floor and implementing other decisions of the management. Not surprisingly, therefore, the supervisors are generally not in workers' favour.

Supervisors are recruited in Maruti through two routes – those who come with diplomas from outside (for instance a three year Diploma in Mechanical Engineering (DME) or Diploma in Automobile Engineering (DAE)), and are directly recruited; and secondly, those who have been promoted from the ranks of workers in the Gurgaon unit. According to workers we met, the second category of supervisors is drawn exclusively from those workers who had helped the management to break the strike in the year

2000. The workers felt that this second category of supervisors were harsher in their dealings with them.

According to the workers when the unit was reopened in August 2012, the work-atmosphere was particularly tense in the initial weeks. Supervisors would go after the workers if they happened to take a longer than usual toilet break. Till the end of October, 2012, there was no phone network inside the plant, preventing workers from talking to each other or anyone else. Supervisors also took workers severely to task for being in touch with the terminated workers in any way. Permanent workers who attended meetings organised by the terminated workers on Sundays, were also hauled up by the supervisors, indicating the high degree of surveillance by the management over their movements.

It is in order to resist these exploitative working conditions that workers at Maruti's Manesar unit have been trying to organise themselves and form an independent union.

Box 4: Human Robot -2 **Block line in the Engine Shop**

Tasks to be completed in 46 to 52 seconds

The following tasks are completed by a worker in one of the Block lines in Engine Shop in Gurgaon unit within 46 seconds to 52 seconds, depending on the target.

- (1) Get the housing and sealant for the engine block.
- (2) Place the housing on top of the engine block (as it comes up on the conveyor belt in front of the worker).
- (3) Place 6 bolts between the block and the housing. These are tightened mechanically.
- (4) Torque 6 bolts.
- (5) Mark them as done.
- (6) Place the baffle plate stud in the space made for it in the engine block.
- (7) Move the block with a pedal.
- (8) Place the oil scan jet on top of the engine block.
- (9) With three blows of the hammer push it in into the appropriate space.
- (10) Fix two water pumps by attaching and tightening them on the grooves made for them.
- (11) Lift the piston gauge.
- (12) Match the block and piston gauge.
- (13) If the two match then let the belt move the block ahead.

In case they do not match and the bearing of the piston gauge does not fit, the block cannot be moved forward until this problem is fixed by another worker.

The Struggle

The central focus of the labour struggle at Maruti over the last two years has been the demand of workers for a genuinely independent union, one that would address the particular and general issues of their workplace, the work-process, the impossible targets and the resultant everyday violation of their rights by the management. Prior to mid-2011, workers of the Maruti Manesar unit were represented by the Maruti Udyog Kamgar Union (MUKU). This union was floated and largely controlled by the management, since 2000. No elections had been held for the union since then. In 2010, as the demand for an independent union gathered momentum at the Manesar unit, the management announced union elections. Elections were held on 16 July 2010. A majority of workers at Manesar boycotted the elections, maintaining their demand for an independent union, because they strongly felt that MUKU would not take up their issues.

On 3 June, 2011, workers submitted an application to the Labour Commissioner's office in Chandigarh for registration of their own union. Next day, the management started pressurising workers to sign an undertaking stating that they were part of the older union and were satisfied with it. They were able to obtain signatures of about 10% of the workers. The rest of the workers refused to sign the undertaking and went on a sit-in strike inside the Manesar unit from 4 June 2011. Workers from all three shifts joined in. The management immediately hired goons to intimidate the striking workers and disconnected the drinking water supply inside the factory. The workers continued their protest nevertheless.

Apart from recognition of their union, the Maruti Suzuki Employees Union (MSEU), one of the main demands of the workers was to absorb the apprentices and contract workers working in plant A of Manesar unit for many years as permanent workers into the newly constructed plant B, instead of appointing new contract workers. On 6 June 2011, eleven

workers were terminated by the company. The strike continued for 13 days, during which about 2000 workers sat inside the unit in protest. On 17 June 2011, an agreement was finally reached between the management and workers in the presence of the Haryana Labour Minister. The 11 terminated workers were taken back and the workers were given a verbal assurance that the labour department would probe and take a decision about the registration of a new union.

However in July 2011 itself, four workers were again terminated and six workers suspended on the pretext of indiscipline and negligence. Workers protested by laying down tools. On another occasion in the same month, some contract workers demanded a lessening of their work load. When the line manager abused one of these workers the rest of the workers on the line supported the worker, and the line manager was forced to apologise to him.

On 14 August 2011, the labour department dismissed the workers' demand for registration of a new union stating technical grounds – that the workers had gone on strike on the day after they had submitted their application for registration of a new union, i.e., before their new union was officially recognised. Their strike was deemed illegal and their demand to form a union struck down consequently.

Meanwhile the management had still not withdrawn the suspensions of the workers, and continued to hire new contract workers from ITIs. By 24 August 2011, 4 more workers were suspended. On the night of 28 August 2011, more than 300 policemen entered the factory and stationed themselves there.

By the next morning the management had sealed the gates of the plant, and imposed a condition that only those workers who signed a 'good conduct' undertaking could enter the plant. The bond required workers to adopt 'good conduct' on the shop-floor – this included their undertaking to never take part in agitational forms like 'go-slows', nor 'sabotage' the work in

any way. It also prohibited them from singing during work, and ordered them to shave regularly when reporting for work and so on. The bond stated that the Maruti worker's services could be terminated without notice if he participated in any kind of protest activities. This effectively amounted to an undeclared lock-out by the company. By making the workers sign a 'good conduct' undertaking the company was effectively taking away their right to unionise and their legal right to strike.

The majority of workers refused to sign the 'good conduct' undertaking, while about 20 workers signed it. Tension was palpable as management barricaded the company and called in both bouncers and police. As has been mentioned from June 2011 onwards, the management had terminated and suspended a number of permanent workers and laid off several contract workers. By mid-September 2011, fifty seven workers had been suspended or terminated on various grounds.

Throughout this period the police harassed the union members repeatedly, even as they were meeting the management for negotiations. On the night of 18 September, the Gurgaon police picked up the President Sonu Gujjar, General Secretary Shiv Kumar and Ravinder, a worker, as soon as they came out of the meeting with Maruti Suzuki and labour department officials. It appeared that talks had broken down that night, when the management refused to take back the dismissed and suspended workers.

The police were clearly acting to abet the management and the workers were arrested because the talks had failed. While there was a pending FIR against Ravinder alleging his involvement in a case of scuffle with some supervisors, there was no case against Sonu Gujjar and Shiv Kumar.

During this period of the lockout, the company had also been continuously hiring workers to replace the older workers and increase the size of work-force on the shop-floor. Between the end of August and early October, while workers were protesting outside the unit,

the number of workers inside the unit grew to about 1300, of which 800 were newly hired contract workers.

Workers continued their protest on a daily basis, gathering at the gate every day in two shifts for the entire month of September. The Maruti workers were supported in their struggle by other factory workers in the Gurgaon industrial belt. On 1 September 2011 for instance, over 6000 workers from the area joined the protest at the Manesar unit. Unions of several other Suzuki enterprises such as Suzuki Power Train India Ltd. and Suzuki Motorcycle India Pvt. Ltd. went on strike again on 14 September 2011 to support the Maruti workers. On 17 September 2011, the Haryana police arrested 3 union leaders and released them the next day on bail. There was also pressure from leaders of central trade unions on the Maruti workers to withdraw the strike and arrive at a settlement with the management. On 30 September 2011 the lockout ended and a settlement was reached between the management and workers. The workers agreed to sign the 'good conduct' undertaking and the company agreed to convert the 44 terminations imposed on workers into suspensions. It agreed to also take back 18 trainees it had thrown out.

However on 3 October 2011, when production was supposed to resume and workers reported for duty, only the permanent workers were allowed to enter the factory, and more than 1100 contract workers were denied entry by the management. Management also shifted permanent workers from one shift to another and into different departments and work-stations, which caused further discontentment. About 100 contract workers of Maruti left after taking their final dues over the next few days. The contract workers also tried to pressurise the management, the labour officials as well as their fellow permanent workers to take up their issue. Both the management and the labour department ignored the workers' complaints. When no positive outcome seemed forthcoming, workers began a sit-in from 7 October 2011, –

once again occupying the plant as they had in June. Over eleven unions joined them in the sit-in and 'occupied' their units. These companies included Suzuki Power Train, Suzuki Motorcycle, Suzuki Casting, Satyam Auto, Bajaj Motors and others. The Maruti workers' main demands this time were that the contract workers who had been thrown out should be taken back and the bus service of the company, which had been suspended abruptly in early October 2011, should be re-started.

The management and Haryana government combined forces and tried different tactics to derail this agitation, while workers in other factories in the area continued to show their solidarity for the Maruti workers and carried out solidarity strikes. On 13 October 2011, the High Court passed an order to get the workers out of factory premises and give them another place to assemble and protest. The police now entered the Maruti Manesar unit, closed down the canteen, water supply and toilets inside. There was yet another order to keep 12000 police personnel on standby. Workers decided to end the 'occupation' and moved outside, where they continued their strike. Central trade unions and labour department allegedly pressurised the new union to arrive at a compromise with the management. The Maruti Manesar unit and other factories where workers had carried out 'occupations' were gradually vacated. A large meeting was called by workers of the area on 17 October 2011. The strike at Maruti Suzuki and other Suzuki plants ended on 21 October 2011. There was a quick succession of events leading finally to the media announcing that two of the main leaders of the new workers' union that had been leading the strike had been bought off by the management.

At the end of a prolonged and continuous session of negotiations, the management agreed to reinstate 64 permanent workers who had been suspended while 30 of the suspended remained so, resigned from their jobs, and took full and final settlement from the company. These included the president and general secretary of the still unrecognised MSEU. All

those who resigned received sums of Rs.16 lakh each or more from the company – which the company claimed were their legal dues. The company agreed to take back over 1100 contract workers whom it had not allowed in earlier. They also promised that the bus service would be resumed. Yet on the crucial matter of granting recognition to the workers' independent union, the company remained steadfast in its outright refusal. It only offered to set up a 'grievance committee' and 'labour welfare committee' with 'equal representation from the management and the workers'. It permitted the inclusion of a labour officer from the state government as part of the committee.

The compromise that the Maruti-Suzuki management, Gurgaon administration and local police reached with leaders of the struggle in 2011 made it appear that the struggle had been put to rest, at least for the time being. Yet within a few days of the resumption of production at the Maruti Manesar unit, by 30 October itself, the workers once again regrouped and began efforts to get their union registered and recognised.

One of the main setbacks they faced was that the Haryana labour department again refused to grant registration to the new union on the technical grounds mentioned earlier.

In an effort to prevent recurrence of what had happened, the management then told the workers that they would help them get their union registered by 30 December 2011, but on the condition that the workers would not contact any outside union or federation. Yet the end of the year passed, and nothing was done by then. Restive and angry workers threatened the management and gave an ultimatum demanding that they fulfill their promise immediately. The management asked for one more month – till 30 January 2012 – and assured the workers that they would help them get their union registered. During this period, workers report that management representatives of Maruti Udyog Limited including Managing Director and CEO Mr. Nakanishi and Senior Managing Executive

Officer, M.M. Singh, met active and vocal workers, the union 'coordinators' among the workers, and tried to pressurise them to withdraw from their demand of forming a union. Workers, however, remained firm in their determination to have an independent registered union. The management further tried to drive a wedge between the contractual, trainee and permanent workers. This strategy too appeared to fail at the Manesar unit in Maruti, even though it had been successfully tried elsewhere.

On 30 January, 2012 the workers were assured that their union was registered though they eventually got the registration number only on 1 March 2012. The workers, most of them young men, celebrated this with a big party and danced to music arranged by a DJ. Workers from Suzuki Powertrain and Suzuki Motorcycles companies also joined them in these celebrations. The union that was formed had 12 office bearers and was called the Maruti Suzuki Workers Union [the MSWU, Industrial Model Township (IMT) Manesar, with the Union Registration Number RTU/IR-II/2/12/1923]. Given their experience of union leaders coming under pressure and buckling down before the management, the workers had devised the system of coordinators as a sort of structural safeguard against any future sellout by union members. This system was already in place, even before the union got officially registered. By the time of the 18 July 2012 incident, there were 95 coordinators, with one or two coordinators in each 'shop-line.' The coordinator's work was to facilitate communication between the union and workers. They would communicate the workers' concerns with the union and in turn relay union decisions and developments back to the workers. Each coordinator thus 'represented' approximately 30 workers.

After the registration however, the union coordinators were pressurised by the management against presenting their Charter of Demands, by stating that they would fulfill their demands very soon. When over a month passed and none of the demands had been

fulfilled, the workers mounted pressure on their representatives, the union leaders and coordinators, and the Charter of Demands was finally presented to the company on 18 April 2012. The main demands of the workers listed in the Charter were:

- Reduction in workload.
- Increase in the number of workers in each production line.
- Increase in the number of authorised days of leave.
- Working hours be restricted to eight and half hours only, including a thirty minute lunch break.
- Increase in the wages of all workers including contract workers and stipend of apprentices. The workers sought to link bonuses with the numbers of cars produced to reduce the emphasis on the PPRS.
- End of contract system, make contract workers permanent.
- End practice of workers having to report for duty 15 – 30 minutes earlier.
- Reduce the training period to 1 year.
- Increase the school fee allowance for workers' children from Rs.200 per month to actual school fees for relatively better (private) schools – DPS, DAV etc.
- Demand for a variable DA per government scale – instead of fixed DA for Rs.350.
- End the incentive scheme.
- Bus facility for all workers.
- Workers to be allowed medical facilities for dependent parents even if they did not have a Gurgaon ration card.

The management however did not act upon this Charter of Demands. On the contrary they tried different ways of curbing the activities of the union. The practice of allowing union leaders of other companies to enter factory premises to meet leaders of the Maruti union was disallowed and security guards were instructed to not allow members of the Maruti union to receive or meet members of other unions. No measures were

taken to regularise contract workers – one of the main demands in the workers’ charter.

The union leadership was under pressure from workers as well as the management. In mid-May 2012, the Maruti Suzuki Workers’ Union president got into a direct altercation with the management and according to reports, physical confrontation took place in the final assembly section, over the lack of cooling system in one part of the unit despite the workers’ repeated demand for it. The management suspended Ram Mehar, the union President and Ram Vilas, a union member. They later withdrew the suspension when the workers’ coordinators committee held a meeting and gave them an ultimatum and refused to accept the suspension letter.

In mid-June when the management declared that it would deduct the bonus for the 53 days of strike in 2011 – which was in fact a lockout, the union agreed after protesting initially. Several rounds of talks and negotiations had been going on between workers and management since May 2012, over the implementation of the Charter of Demands of the Union. The last round of talks before the 18 July incident had been completed on 14 July. Each of these had been inconclusive with the management refusing to talk about several issues including the wages and conditions of work of the trainees, apprentices and contract workers. After this last failed round of talks, the management took a strong stand stating that they would not concede any of the workers’ demands. The management also acted in ways that were aimed at dividing the union and the workers. One incident from the tense period preceding the 18 July incident reveals this. As discussed earlier, the Maruti workers were

allocated some amount of money on account of profits from the sales of original spare parts of Maruti, as part of the ‘incentive scheme’. They usually received a base sum, and in June the management promised that the workers would receive an additional 20% of the base amount on certain conditions. Since the break in production on account of the workers’ agitation of 2011 was counted by the management as leave taken by the workers, those workers who were found to have taken fewer days of leave, would, under this scheme, be given this additional incentive. However after announcing this, the management withdrew the scheme, a fact about which most workers remained ignorant. When the additional amount was not given some workers began to assume that the union leaders had embezzled the money due to them. However, the workers and coordinators took up the issue with the union leaders and clarified the matter, averting any stand-off.

On 16 July, 2012 the union distributed a document amongst workers, handed to them by the management, stating that the latter was not agreeing to the union’s demands. Eleven of the 12 union leaders resigned after this – the sole exception was Sarbjeet, the General Secretary, who strategically remained in his post in order to receive the resignation letters of the others, and to ensure that the union had a representative to deal with the management. On 17 July the ‘A’ and ‘B’ shift workers at the Manesar unit decided to boycott their pre-shift ‘communication’ meetings to protest against the management’s refusal to meet their demands.

And then occurred the infamous incident of 18 July 2012.

The Incident and its Aftermath

THE INCIDENT

Two days before the incident of 18 July, S.Y.L. Siddiqui, the administrative head (Senior Managing Executive Officer, Admn- HR, IT, Finance) was overheard by the workers saying to the HR managers and supervisors that '*Manesar plant se gandagi saafkarni hai*' [(We) have to clean out the dirt from the Manesar plant]. According to the workers, this was a reference to the agitating workers who were demanding their legitimate rights. The incident started during the 'A' shift on 18 July with an altercation between a worker and a supervisor on the trim line at 10 a.m. The worker, Jiyalal, who hails from Dhhakal, Jind was on his tea break. His supervisor Sangram Kishore came to tell him something related to the details of production. Jiyalal said that the supervisor should not cut into his tea break and instead come to his station at work and give him instructions.

Since the management always tried to cut into the seven-minute tea break of workers, Jiyalal's response was a counter to this. In his statement to the police, the supervisor has accepted that he was trying to give instructions to the workers during tea time to which Jiyalal had objected. Since Jiyalal refused to listen to the supervisor, there was an altercation between the two. Sangram Kishore abused Jiyalal in a casteist-derogatory manner. According to the management, Jiyalal slapped the supervisor, but according to workers, none of them would ever physically assault a representative of the management.

Another supervisor Piyush Jain tried to calm down tempers, but the altercation continued, Sangram Kishore went to report the incident to HR managers. The HR managers' response to the incident was to suspend Jiyalal and send Sangram Kishore out of the plant. On that day, eleven of the twelve union members, who had resigned a short while earlier, were engaged in negotiations with the management on the

pending issues, in a room upstairs. On hearing about the suspension of Jiyalal, the union demanded that the suspension be revoked. They talked to the HR personnel who agreed to not give a written suspension letter. However at 2.45 pm, as the 'A' shift got over, Jiyalal was given a suspension letter when he was leaving for the day. The union and the workers were taken aback by this move. Given this tension, some of the 'A' shift workers did not leave the plant, even though 'B' shift had started. They wanted to be with their leaders till the matter was sorted out.

The negotiations continued for another 3 hours – not just about Jiyalal but also the ongoing pending labour matters. At the time of these discussions, Labour Officer Dinesh and Labour Inspector Chandra Pal were also present there. According to the Deputy Labour Commissioner, JP Mann, under whose jurisdiction the Manesar unit falls, they were sent there at around 1pm, after one of the HR managers Awanish Dev had called to communicate that there was some problem at the plant. Union leader Ram Meher objected to their presence saying that this was an internal matter of the company and that they did not need to be there.

According to the workers, a number of new 'workers' wearing the uniform of contract workers, and some bouncers, were present in the unit from afternoon onwards. Workers also claim that the police had been called around 2 pm. In another hour, 50-60 policemen had come into the plant led by the DSP Ravinder Tomar. The SHO Manesar, Om Prakash Bishnoi was also present along with 4-5 inspectors and 30-40 constables.

From the statements of prosecution witnesses (in the charge sheet filed into the incident) as well, it is clear that the police was called in by around 2-2.30 pm. In fact one of the witnesses (PW-60) has clearly stated that the police was called by 2 pm and the SHO with

the police force arrived very soon. According to the statement of police officials, ASI Narendra Kumar and Ramkumar, Manesar PS, police arrived from both Manesar Police Station and the police lines.

According to workers, Ram Meher and another leader contacted the Senior Manager, HR, S.Y Siddiqui on the cell phone, asking him to step in, saying that the situation was becoming heated and they felt they were getting caught between the workers and managers.

At one point during the negotiations, it was almost decided that Jiyalal would be issued a last warning not to be offensive to the supervisor and the supervisor would be issued a notice not to use casteist language. As workers recall, the matter was sorted out and at around 6 pm the management had agreed to take back Jiyalal. At this point, one of the labour officials rang up Siddiqui and was overheard 'complaining' about the fact that the dispute was being settled by the managers and matters might be resolved soon. Siddiqui then talked to another manager Vikram Khajanchi, who in turn, asked HR Manager Awanish Dev to stay quiet and ordered that Jiyalal be suspended.

No one can clearly recount what happened thereafter. It appears that some workers rushed out of the meeting hall and announced that their leaders are being beaten up. This made many other workers rush in. The management and HR personnel got beaten in the melee. Some workers were also injured. The workers claim that bouncers were brought to attack them but the management personnel also got attacked in this process. They state that the bouncers targeted the workers and almost 30 workers got injured, two of them seriously. However they went to private doctors for treatment, fearing arrests as the police had unleashed a spate of arbitrary arrests of workers immediately after the incident.

According to the management's version of the incident, even when the members of the senior management were trying to resolve the issue amicably, workers forcibly shut the main gate and prevented managers from leaving the

premises. Thereafter the mob, armed with iron rods and door beams of cars, targeted supervisors, managers and executives. They ransacked offices, broke glass panes, damaged property, and set the offices on fire, killing Awanish Dev.

The findings of the police investigation incorporated in the charge-sheet in the case bear uncanny resemblance to this version of events.

On the other hand the workers raise the following questions challenging this version:

- When the workers left the room there was no fire. Who started the fire? There are only two people in the entire company who carry lighters inside. They are managers Vikram Khajanchi and Anil Gaur of the HR department.
- The room in which Awanish Dev seemed to have died of asphyxiation has a fragile door and in all possibility cannot get locked. Why was it not broken open?
- There were fire sensors in the factory premises and closed circuit television cameras as well – also, the company had its own fire service. So why did none of these safety measures work? Why were the cameras turned off when they were otherwise on all the time? Why were all these matters not investigated?
- The hall in which the negotiations were taking place could contain a maximum of 100 to 150 people standing shoulder to shoulder. How could so many more workers be implicated then?
- The attendance record of 18 July has not been made available. This could help ascertain the presence of bouncers in uniforms.
- How did the fire start at the booth near the gate, which was supervised by the security guards? How was it set on fire? Was the attendance register kept there?
- The police claim that the attendance register was destroyed in the fire on 18 July. However the police got one of the workers (who enjoyed political clout)

released from custody on 25 July, by stating in court that according to the 'records' he had left the unit by 6 pm on that day. If the records had indeed been destroyed, how were the police able to 'produce' this evidence selectively for one worker seven days after the incident?

- Attendance could be checked from entries made at several places. So the claim of the management that the attendance register was destroyed is false. The conversations and messages between Ram Meher and other leaders with HR and senior management ought to be part of the evidence. Why are cell phone records not being investigated, which can ascertain whether the workers had asked the HR Head to intervene in the situation?
- Did the police ask for reinforcements from any senior authority? If not, why? What were the police doing during the incident?
- What were the other security personnel, labour department and HR officials doing during this time? How could so many people not prevent the death of Awanish Dev?
- What is the explanation for the presence of new 'workers' in the premises on the day of the incident?

These points cast serious doubts about the simplified narrative of workers being responsible for the episode and for the death of the Manager. It is very difficult to understand how such a violent incident could happen, in spite of the presence of police in such large numbers. As per the charge sheet, workers had stolen shockers and door beams for beating up managers, and after the factory was reopened, 205 shockers and 1593 door beams were found to be missing. How could these equipments be stolen with such strict security in the factory premises and gate?

Interestingly all workers interviewed by us maintain that Awanish Dev was sympathetic to the workers; he had got their union registered four months ago. Some workers had visited him

when he was ailing and undergoing treatment in Artemis Hospital, Gurgaon some time ago. Why would the workers attack and murder a manager, who they felt was their well-wisher?

Some workers believe that those responsible for the attack on 18 July were in fact, bouncers dressed in Maruti uniforms, who had been hired by the company. The management wanted to incite the union, create unrest and then clamp down on workers and use all this as an excuse to not accept their demands. The workers also believe that the incident was actually planned by the management and it was the bouncers who set the fire.

Whether or not the workers' reading of the incident is true, the confidence with which they have been consistently demanding an independent inquiry into the incident certainly casts doubts on the widespread notion that the workers were responsible for the entire episode of violence, arson and murder. This notion propagated by the management has been the basis of arbitrary action against the workers by the company. The power of this notion, and those who promote it, is such that even in the face of contradictory evidence, it guided police intervention into the case, giving further credence to the workers' demand for a truly independent investigation into the events.

AFTERMATH

Arbitrary action by the management

The incident gave the management an excuse to deploy security forces in large numbers, when the plant reopened in end-August. This was done to create an atmosphere of terror, where no one would dare to voice their dissent.

While the role and culpability of individual workers (and managers) in the incident should be investigated, it is very clear that the management has used it to target and dismiss the workers it was uncomfortable with. In all, 546 permanent workers and about 2000 contract workers and apprentices were terminated for allegedly participating in the violence. As mentioned above, workers claim that the hall

in which the negotiations were taking place could accommodate a maximum of 150 people. That the number of workers terminated is about five times this number points to the arbitrary attitude of the management.

These workers started getting their termination letters between 18 and 31 August. Even as the official announcement of termination was being made on television on 18 August, workers were getting their settlement amounts in their bank accounts (as evident from the mobile alerts from the banks). They received basic pay for 3 months and also amounts due on the basis of privilege leave, sick leave, casual leave etc. Workers like Ram Vilas and Yogesh (both union members) and others who were on leave on the day of the incident have been terminated as well. A standard covering letter accompanied by a 'Speaking Order' has been issued to everyone by the Director and Managing Executive Officer (Production) alleging that the worker (to whom it was addressed) was involved in the events of 18 July that led to the death of Awanish Dev and had engaged in "nefarious activities and gross misconduct". The letter states the company has lost confidence in the worker. This amounted to passing judgments about individual culpability even before the police investigation had begun. The FIR has been filed against 500 to 600 unnamed accused, thus heightening the vulnerability of all workers, any of whom could and are being arrested under this FIR.

No internal inquiry has been instituted to prove the terminated workers' culpability nor have the workers been given a chance to defend themselves. In doing so the management is circumventing the elaborate procedures for dealing with cases of misconduct listed in clause (31) of the Standing Orders. The management perhaps is making use of some draconian clauses - like (30 g), that allows for dismissal without notice and (32 b and c), which state that a special procedure for punishment can be followed in certain cases like as per section 32 (b) where the management is satisfied that for

some reasons to be recorded by the management in writing, it is not reasonably practical to hold the inquiry or 32 (c) where it is in the interest of security of the company, its property and its employees. It is important to note that these clauses make the elaborate procedure for dealing with cases of misconduct redundant and allow for arbitrary action by the management.

Dismissal of these 546 permanent workers is absolutely illegal and is a violation of workers' rights. Workers gave us several reasons for these dismissals. They feel some of these workers have been thrown out because they were due for pay revision. They also believe that the company has got rid of workers who were active in raising workers' issues: therefore, those terminated include the union members, the coordinators, as well as other vocal workers. Such selective targeting of workers results in undermining an independent union, breaking workers' unity and depriving the workers of even minimal bargaining capacity.

The workers claim that during the 2011 agitation, the company had given an assurance to the Chief Minister Bhupinder Singh Hooda that company would resume operations if the termination of 30 workers was permitted by the government. This time around, they claim, a similar deal has been made and the permission of firing more than 500 workers was taken by the company from the state authorities, as a precondition for restarting the plant. In any case the dismissal of permanent workers is beneficial for the management, because they can be replaced by contract workers.

The management's targeted removal of workers who were vocal by linking them arbitrarily to the incident of 18 July is replicated in the arbitrariness of police action and state response. The sinister collusion between the management and police is not a deep secret but obvious and visible.

Police Action and atrocities

Arbitrary arrests: Arbitrariness of the management was replicated by the police, which very clearly acted in collusion with the

management. An FIR was filed with 55 named accused and over 500 unnamed accused. The number matches with that of the workers terminated by the management. Amongst those 55 named in the FIR are some of the 64 workers who were taken back by the plant, after the last years struggle. After the incident the police then went around Gurgaon and surrounding villages hounding workers' families, to track down the union leaders and workers.

In all 99 workers were arrested on 18 July itself. The extraordinary zeal of the police for taking action is reflected in the fact that of these 99 workers, 9 were from Gurgaon unit. One worker picked up on 6 August was unhesitatingly staying at his residence, since he had no reason to fear arrest. Six policemen came in the middle of the night in civilian clothes from the Gurgaon Crime Investigation Agency (CIA) and arrested him. They told the family that the company had given his name to the police. Ironically this worker was given an award for being a good worker about 4-5 months back. Another worker had worked in Shift A ending at 3pm and had reached his village by 7pm. Ten days later, the CIA staff came to arrest him stating that the company had given his name and he had to present himself at the police station. When he did so, he was arrested and remanded to judicial custody. His family members were not informed. While arresting another worker from his house, the policemen even said they were doing it out of compulsion. There is one instance of a worker with a common name being mistaken for another active union member, and arrested despite the fact that the union member's brother, also picked up by the police and taken to 'identify' his brother, failed to do so!

In another instance the police took away a worker from his house saying that they were taking him to Gamdi for identification of another worker. He never returned, later some one else informed the family about his arrest.

At least in two cases the mothers told us that they were not informed about their sons' arrest by the police. In one case they got the

information only 10-12 days later, through an anonymous phone call and in the other case the family was informed by neighbors. In the second case the worker had got scared when the incident happened and had run away from the site. Was caught at about 4 km away and was picked up. In some other cases though the family was informed by the police, but it was done only after a delay of 2-3 days. In some of the arrests between end-July and August first week, the police came in plainclothes without any visible name-tag or rank.

The arrests were made in an absolutely arbitrary fashion and not on the basis of any investigation by the police; instead lists of workers to be named as accused and arrested, were provided by the management to the police. On 17 August, the SHO Manesar PS. Om Prakash admitted in open court that the names of several workers being arrested is based on a list provided to the police by the company. In his statement in the charge sheet, the ASI also has stated that the police asked the management for such lists, which were then provided to them. Even if we accept that it is logical that as part of the investigation the management is consulted to name the suspects, the moot question is on what basis the management could provide a list of hundreds of suspects without the attendance record.

A number of workers, including at least one union member and 25 contract workers, who are in jail today, were on leave on 18 July. It is very clear that the union members, coordinators and those active in 2011 protests were targeted.

Due procedures were also not followed while making the arrests. Not informing the families about the arrests, place of remand, not allowing the lawyers to be present are some of the violations of the DK Basu judgment that deal with the norms to be followed during arrests. Proper medical examinations were also not done. ACP Ravinder Tomar and Om Prakash are guilty of these violations. The arrested workers were subjected to torture in police custody, which is again a serious violation. Presently 149 workers are in jail, with charges

as serious as Sections 302, 307, 120 (b) of IPC against some of them. About 50-60 of them are casual workers or trainees. Arbitrariness of the entire action is again clear from the fact that 20-25 contract workers who were not on duty on that day are also in jail.

The charge sheet filed by the police is yet another example of their siding with the management. The charge sheet does not have names of the prosecution witnesses (PW), they are only referred with numbers tags. It is therefore not even possible to ascertain, which one of them are real and which are fake. Reason given for not disclosing the names of the witnesses is their 'protection' and permission for this has been taken on the basis of the SC case of protecting the identity of the PW in the Best Bakery case of the Gujarat carnage! The vulnerability of the witnesses in the Best Bakery case is understandable as they are victims of one of the worst carnages and had to depose against the powerful police, majority community and the administration, but to use this logic for Maruti management is simply ridiculous. The irony is that the court has accepted this logic. As a result, all references to the management people and the supervisors have been omitted from all the statements. This work has been done quite carefully and the names, post, vehicle no. of all managers and supervisors have been omitted. For instance the statement would read as, "I heard about the incident, went to the shop floor found standing there". As per the lawyer, technically this is an incomplete charge sheet and the workers should be bailed out on the ground, that the police has not filed the charge sheet in the stipulated time of 3 months. However, court has not granted bail to any of the 149 arrested workers and all of them continue to be in jail, till the time of writing of this report. No heed has been paid to claims of some of them of being on leave, or having left the scene of the incident beforehand etc. by the judge.

Other major problem with the charge sheet is that there is complete silence on the presence of outsiders, especially the large presence of hired

bouncers at the site of the incident.

Torture: Union leaders had gone into hiding on the day of the incident. They surrendered on 1 August, were arrested and produced before the Magistrate the next day and remanded to 8 days police custody. In custody, all the twelve union leaders and Jiyalal were subjected to brutal third degree torture. These workers were severely tortured at Sector 46 and Sector 10 Gurgaon police stations under the supervision of the CIA. They were stripped and beaten, hung up by one hand, legs stretched apart on both sides beyond capacity, beaten in groin, submerged completely in dirty water, given electric shocks, rods inserted in anus etc. They were made to sign on blank papers. All the union leaders were limping when produced before the magistrate a day after the arrest, clearly indicating that the torture was started from the very first day. The only explanation of these police atrocities is the collusion of the police with the management in trying to teach the workers a lesson.

When the tortured workers were produced in court of the CJM on 2 August, an application for medical examination was filed on their behalf by their lawyer. However, the CJM Rajesh Sharma was on leave at the time and eventually ordered a medical examination only on 30 August. After this the medical examination was further delayed by the police. This deliberate delay on the part of the police meant that the marks and evidence of torture got erased.

Medical examination u/s 54 CrPC was finally done on 21 September. The medico legal reports of all 13 workers, record pain in back, shoulders, chest and joints, decreased hearing, tenderness in joints, thighs and groins, bruises in ankles, heels, soft tissue injuries, difficulty in movement of thighs, hand etc, all indicative of severe torture.

Harassment of family members: Apart from all this, the complicity of the police with the management is also apparent in the harassment, illegal detention and intimidation of the family members of the accused workers. This was especially evident prior to the

‘surrender’ of the union members, which was projected by the police as their ‘arrest’ from Hansi on 1 August.

Testimonies have borne this out amply. The father, brother and uncle of one of the office-bearers of MSWU were picked up for interrogation and detained in the Sector 10 CIA police lock-up in Gurgaon. Some were detained for over 24 hours, without any official entries made. This clearly amounts to illegal detention. The father-in-law of another union leader was taken for interrogation three times by the police, despite his repeated assertion that he did not know the whereabouts of his son-in-law. The police also tried to take his wife and two small children (2 and 6 years old) but they were prevented from doing so by the villagers who asserted that there were no policewomen present.

In another case the police tried to take the wife of a worker for questioning, she was spared only when the family members objected to this. However, his brother-in-law was picked up for questioning on 21 July. The father of another worker was picked up while he was cutting grass and then left far away from his house. Similarly, the brother of a worker was kept in custody till the worker surrendered.

Harassment of the family members cannot be justified irrespective of what the workers may or may not have done. Quite obviously no policemen have been held accountable for this illegal harassment of the family members.

During this period, one of the workers has lost his daughter and mother. Family members of others are having a tough time, in visiting them in jail, following up their cases with the lawyers etc. The hardships faced by these families are colossal.

FURTHER DEVELOPMENTS

The terminated workers are continuing to carry forward their struggle against all odds under the banner of the MSWU. They continue to get the support of those who are still working in the plant. They are engaged in a tough battle, full of challenges, where they also have to deal

with the court cases of the arrested workers and have to live in constant tension of being implicated and arrested any time. With the entire union body in jail, the provisional committee is actively taking up the issue of the illegal termination of workers, arbitrary arrests and in general, the state-management-police nexus. Needless to say, all are being met with a heavy hand so as to break the morale of the workers.

Some of the developments since the immediate aftermath are:

- On 17 August 2012 thousands of workers from across unions and industrial units united in a mass protest against the decision of the Maruti management to sack its employees. The workers gathered at the Mini-Secretariat and submitted a memorandum demanding reinstatement of 500 employees. Trade unions questioned the move by the Maruti Suzuki management and asked whether it had sought the statutory prior permission from the Haryana government before resorting to such mass-scale termination.
- In a rare and impressive show of solidarity and joint action, the terminated workers, workers still working in the Manesar unit went on a two-day hunger strike on 7-8 November 2012 outside the Mini-Secretariat in Gurgaon. About 150 workers in judicial custody also joined the hunger strike. Many local workers’ unions and those from other parts of India also supported the event. The main demand was the reinstatement of the 546 terminated workers.

But barely had the programme started when the police descended on the spot, tore down the tent of the workers and picked up 29 workers. The workers were taken to the Bhondsi Police Station. Members of MSWU and workers’ unions of Gurgaon and some journalists followed up and pressure was mounted on the police until the 27 workers were released.

However, two members of the seven-member provisional working committee, Ram Niwas and Om Prakash, were kept under illegal detention. They were taken to Sector 46, CIA Police Station and were both interrogated and threatened; they were released later that night only after pressure from other trade unions and democratic rights groups, including PUDR.

- On 6 December 2012, at around 3 pm, the Haryana police picked up and harassed some Maruti workers and volunteers from other workers organisations while peacefully distributing leaflets regarding a future public programme of theirs.
- The workers organised a convention on 9 December 2012 at Ambedkar Bhavan in Delhi. At the end of the convention, there was a march up to Jantar Mantar. Most speakers emphasised the demand for a CBI probe into the events of 18 July, reinstatement of all terminated workers and release of those arrested. The workers submitted a memorandum to the Prime Minister with their demands that also included the abolition of the illegal contract labour system especially because of the permanent nature of work in the automobile industry. The MSWU also upheld the right of workers to form unions and demanded that within 45 days of filing an application for registration of a trade union, the labour department concerned must ensure the due process to register the union.
- A week long program of taking out a 'Justice Rally' through the villages and cities across Haryana was organised by the Provisional Working Committee, MSWU from 21 January 2013, after all talks with the management and labour department for the reinstatement of terminated workers failed. The programme culminated in a *dharna* in Rohtak on 27

January. During this period too, the workers participating in the *jattha* and cycle rally were harassed, intimidated and finally forcibly picked up by the police from Bilaspur; the cycles all 20 of the workers' were dumped into police vehicles and dropped off at a village in Jhajjar. When the workers resisted by lying down on the ground and holding on to each other, the police used force to remove them and gave threats of arrests and torture if they entered Gurgaon. The MSWU union office was raided on 22-23 January 2013.

- Imaan Khan, one of the active members of the Provisional Working Committee, MSWU was picked up by the Haryana police in the morning of 24 January 2013, just before a press conference of the union was to begin from outside the union office of Sarva Karmachari Sangh in Civil Lines, Gurgaon. He was charged under Sections 302, 307, 120(b) of IPC.
- Family members of workers are being continuously harassed, by being repeatedly summoned to the police stations and pressurising them to get the workers to stay out of organising themselves. Workers inside the plant are being given transfer orders to distant places for supporting the agitation. In one instance transfer orders were handed out to 12 workers to Mumbai, Kerala and Guwahati. This amounts to a virtual dismissal since workers find it tough to relocate. Also non-bailable arrest warrants against 66 more workers have been slapped by the police in January 2013.
- On 21 February 2013 the MSWU representatives met the Chief Minister of Haryana, Bhupinder Singh Hooda. In this meeting he warned the workers not to take out any more rallies or else they will all be arrested.
- The union decided to start a *dharna* from 24 March 2013 and an indefinite hunger

from 28 March in Kaithal, Haryana in front of Kisan Bhavan, the residence of the Haryana State Industries Minister, R.S. Surjewala, to demand the release of arrested workers and the reinstatement of terminated workers as well as an independent and higher judicial inquiry into the 18 July incident. The *dharna* was started as per schedule and 4 workers sat on hunger strike. The administration responded by heavy deployment of police force at the site and pressurising the workers to discontinue the protest. Local residents and shopkeepers also were threatened and warned against supporting the workers. The workers were forced to shift the *dharna* site on 30 March. Kaithal police filed a case of issuing death threat and 'capturing' of the plot of land (where they were sitting in protest) against 4 named and 60 unnamed workers.

- A protest meeting was organised by MSWU, together with a number of trade unions and other organisations, including PUDR on 1 April at the Mini – Secretariat. The group met the Deputy Commissioner, Kaithal and submitted a memorandum to him. The DC directed the police authorities to look into the cases filed against the workers sitting on *dharna* and also allowed them to shift

their *dharna* site to the Mini Secretariat.

In its proactive behaviour, in making the arrests in accordance with the demand made by the management, in violating the safeguards available to the accused at the time of arrest and in custody and in subjecting the workers to brutal torture and in harassing their family members, the police has clearly acted in a biased manner and has violated the laws. In fact, when the PUDR team was interviewing Maheshwar Dayal, DCP over phone, he stated that "It has been a model investigation and will see a model conviction. I can tell you that Manesar will not see violence in the future. The Maruti management has decided to stay on because of the police presence there. There is a special battalion, the Indian Reserve Battalion (IRB) there – 500 persons, and 150 PSOs and staff and also the HQ of the ACP has been shifted to Manesar from Pataudi." What else is needed to show how the big companies enjoy state patronage at the cost of the workers? The DCP's statement also suggests that the Maruti workers are being punished for any agitation which could occur in future and the harassment and imprisonment that many of them are facing is aimed as a deterrent against any agitation by them or other workers in the area, and not at pinning down the guilty. While we await justice, the harassment of workers continues. The management's agenda is being fulfilled in termination of workers and preventing unionisation.

Conclusion

The tagline used by Maruti Suzuki India Limited to describe itself in its annual reports and advertisements implies that Maruti is a 'Way of Life'. The car and the company are believed to symbolise 'the pride of India,' i.e., it is much more than simply a car or any other car company – and this is an idea that is seemingly shared by the media and large sections of people. It enjoys close to 40% of the market share in the passenger vehicle category. The company's annual report in 2012, presented this relationship of customers with Maruti wrapped in the language of 'love', literally making Maruti the source of fulfilment of even the unstated desires of its 'customers':

"Customers relate to a company in multiple ways. They expect the company to serve them with care... and fulfill their desires, including unstated ones....when a company is able to do this over time... a relationship is born. The millions of families we have connected with offer their trust and faith in us....This...also has an element of the unconditional – a near total acceptance and trust in what we do. Their relationship with Maruti Suzuki, we like to think, has evolved to love." (*Annual Report 2012, Maruti Suzuki India Limited*)

The claims of the company regarding its relationship with its customers may or may not be true, but it is abundantly clear from this report, that it certainly does not extend the same love and care to its workers. Close beneath the surface of this relationship of 'love' and 'way of life' lies a history of coercion, denial of basic rights and the dehumanisation of labour by the company.

The violent incident of 18 July 2012 at Maruti's Manesar unit was most unfortunate, not only because Awanish Dev lost his life, but also because it completely derailed the workers struggle at the unit and has been maliciously used by the company, government and the media to malign the workers. After the incident the government made allegations that the struggle is being led by the Maoists, without any basis.

Despite persistent ambiguity regarding the incident, in an absolute disregard to the rule of law, even before the investigation was over, the entire blame was put on the workers not just by the management, but also the police and administration. This presumption of guilt, governed the manner in which the police acted after the incident and amounted to another grievous violation of the rule of law by its own custodians and those in power. The police have acted in an absolutely partisan manner by not putting an iota of doubt on the plausible role of the management in the incident; completely ignoring the discrepancies in the management's account, the fact that the workers were also injured, and the presence of bouncers in the premises. The fact that Awanish Dev, was always considered by the workers to be sympathetic to them has also been ignored. Thus, the police have exclusively arrested workers and that too without proper investigation, but on the basis of a list provided by the management, targeting the workers who were vocal, articulate and active in the union.

Ever since the first major workers' struggle at Maruti in 2000, the Haryana police have always sided with the management, but the severity of the police repression this time was much higher. The nexus between the police and the management got exposed most starkly after the 18 July incident. The close correspondence between the FIR lodged by the police containing between 500 and 600 'unnamed accused' and the termination of 546 workers by the company allegedly for being responsible for the violence on 18 July, cannot be a coincidence. It shows exactly how closely the police are protecting the company's interests. In violating the constitutional safeguards in terms of procedures of detention and arrests, subjecting the workers to brutal torture and harassing their family members, the police have gone out of the way to serve the company's interest. The partisan nature of the police investigation finally got reflected in the charge-sheet filed by them.

Nine months after the incident, the police is actively using the tactics of harassment and arrest to prevent the workers from continuing

their struggle. The scale of police action against workers seems to be aimed to act as a deterrent for any agitation in future – not only by these workers but also other workers in the Manesar and Gurgaon industrial area. The meting out of ‘model’ punishment, and the way in which ‘peace’ was restored at the Manesar unit through massive police deployment, are all measures aimed at pleasing the corporates, and is possibly demanded by them as a guarantee for their continuation in the area.

The state government of Haryana too colluded with and directed the police to connive with the company in flouting basic rights of workers. The high degree of police harassment that even terminated Maruti workers are facing indicates that the police are pro-actively criminalising workers’ protest, and making unionisation or any struggle difficult if not impossible.

Though the principle of fairness demanded that an independent probe into the incident was conducted. However, the workers’ demand for an independent investigation has been totally ignored by the state and the central government. In the light of all this and given the history of role of judiciary in Maruti matters, it is unlikely that the accused workers will get a fair trial. The fact that none of the arrested workers have been granted bail till date does not generate much hope.

We wish to assert that an investigation and trial based on preconceived notions and not on the basis of scientifically gathered evidence could mean that the real culprits of Awanish Dev’s death will escape scot free. This would amount to a travesty of law and denial of justice to him.

It is important to recognise that the incident of 18 July occurred in the context of steadily escalating tensions between the workers and management and the latter’s consistent refusal to meet the workers’ legitimate demands and redress their grievances, raised through their legally constituted union. The incident cannot be divorced from embedded structural violence and systemic exploitation that the Maruti workers have been subjected to over several years through inhuman working conditions, the speeding up of the production process and anti-

worker policies.

Denial of constitutional rights has been part of this structural violence since long. Maruti management made the signing of a ‘good conduct’ undertaking a precondition for the workers to enter the factory premises in the 2000-01 struggle at the Gurgaon unit and in September 2011 at the Manesar unit. The ‘good conduct’ undertaking effectively took away the right of the workers to go on a legal strike, a right guaranteed by the Industrial Disputes Act (IDA 25T, 25U read with the Fifth Schedule); this also amounts to unfair labour practice as per Section 8, Fifth Schedule, IDA. The nexus of the state and the company can be gauged from the fact that though the Union Labour Minister stated in the Parliament on 28 November 2012 that, "Demanding of good conduct bonds from workers as a condition before allowing them to resume work is an arbitrary act and it also amounts to unfair labour practice as per IDA, but he actually took no steps to stop this being done in Mauti.

Just as in 2000, the company imposed a lockout by sealing the gates of the Manesar plant, and then pronounced it an illegal strike by workers and used this alibi to deny the workers the bonus due to them for the duration of the lockout and also not taking back a large number of the contract workers. This happened despite the fact that the union at Manesar had agreed to sign the undertaking after the lockout of over a month.

The Maruti management has also consistently violated the workers’ constitutional right by creating hurdles and actively preventing them from organising themselves. The policy of the Maruti management not to let the workers unionise, is a violation of the Indian Trade Union Act (1926). Prior to 2000, the workers at Gurgaon unit could negotiate with the management through their strong union. However, after the struggle that year, the union was crushed and a pro-management union was floated. Certain gains made by the union in the year 2000 in the Gurgaon unit – such as two ‘rest’ periods of 20 minutes each during the work-day – had been lost by 2006. By the time the Manesar unit was set up that year, these ‘rest periods’ were left out.

The labour department connived with the management in depriving the workers their right to unionise. In August 2011, it rejected the pending application of the workers for registration, citing technical grounds. Effectively, an application for registration filed on 3 June 2011, resulted in actual registration of the union on 1 March 2012, after months of fraught struggle.

Since mid-2011, as the workers' struggle intensified, the management responded by targeting active workers through suspensions, terminations and registration of false cases against them. Once the union got registered, its leaders and coordinators have faced similar or worse harassment. All the union leaders were implicated in the 18 July incident leading to complete breakdown of the union and making the workers vulnerable as they have lost all avenues of negotiation with the management. After forcibly removing the union from the unit, the company is now making a farcical gesture towards dealing with workers' issues, by setting up a joint worker-management 'grievance committee' and compelling the workers to be a part of it.

Like all other corporates, the main driving factor in Maruti is reducing production costs, maximising profits and competing against other companies. One of the ways used for this is to extract maximum work from the workers. This is reflected in the fact that at Maruti, the production capability and targets are set considerably higher than the installed capacity, i.e., production capability of the company is 1.55 million units per annum even though installed capacity is 1.26 million units per annum (*Annual Report, Maruti Suzuki India Limited, 2011-12*). This translates into an assembly line that is relentlessly moving non-stop, at the highest speed. Workers are made to work like machines and subjected to extraordinary pressure. Any attempt to challenge this tyranny and seek some relief even through legal ways, is seen as disruptive behaviour and is not tolerated – as this would cause a hindrance in the flow of profits. So it is not strange that the union leaders and other vocal workers in Maruti have been subjected to persecution through issuance of show cause notices, punishments in the form of salary cut, suspensions, transfers

and terminations ever since 2000. Through their selective action and inaction the state authorities have abetted this design.

Another major cost cutting measure used by Maruti is by way of employing a large number of casual/contract employees on regular jobs, even though it is a violation of Contract Labour (Regulation and Abolition) Act, 1970, and Contract Labour (Regulation and Abolition) Central Rules, 1971. Contractualisation started in a big way in Maruti since the beginning of the last decade and the Manesar unit had about 75% contract workers in July 2012. The practice of hiring contract workers started in response to what were seen by companies as 'rigid' labour laws and 'obdurate' trade unions. It has now become routine and is an easy way to get cheap labour. Companies ensure that a large percentage of the work-force remains in the contractual category and is paid much lower wages than what the permanent workers get. The Central and State governments ignore this with a view to attracting investments. For employers, this is an easy and convenient way of keeping labour costs low and it also ensures flexibility. This issue has been one of the causes behind the unrest at Maruti. After the 18 July incident the company announced with a lot of fan-fare that the contract workers will be regularised. However this regularisation has not really materialised. As mentioned earlier the contract workers working earlier seem to have been replaced by 'casual' employees of the company and the 'helpers', employed through contractors and paid much less than 'full' workers.

On the basis of these facts, it needs to be highlighted that the Maruti company has been responsible for flouting the constitution with complete impunity.

One of the notable features of the recent labour struggles at Maruti's Manesar unit has been an unprecedented unity between permanent and contract workers. The labour union has consistently taken up issues pertaining to the contract workers. One of the main demands from the beginning of the struggle has been the regularisation of contract workers. The terminated workers who have regrouped under the MSWU include both

permanent and contract workers. Contract workers are also among those who have been held guilty of the violence on 18 July and are now in jail.

What makes the Maruti story extraordinary is certainly not the company and its cars but the extraordinary struggle of its workers that has continued in spite of ruthless repression by the management and the police and failure of the labour department and the judiciary at all levels to provide any justice to them. While their struggle has aimed to find ways to articulate their grievances about the highly exploitative labour regime, they have above all tenaciously fought for their political right to form their own union. A remarkable feature of the recent phase of workers' struggle at Maruti, has been its attempt to create a new more decentralised organizational structure, which includes coordinators and accountability of union leaders. This unique strategy, adopted by learning from past experiences, has so far allowed them to circumvent the strategies of the company to break their solidarity and organisation. The Maruti workers are thus also struggling to ensure greater power and participation of the larger body of workers in decision making.

This report has been an attempt to expose the truth behind the Maruti 'way of life,' the denial of workers' democratic rights by India's most powerful auto company, the active abetment in the process by the state, and to understand the present context of struggle and repression in Maruti. It reveals how the unrelenting and seamless nature of the nexus between police, the administration, the management and the judiciary is blatantly serving the interests of capital. The absence of any semblance of protection for workers of the automobile industry, the most advanced industrial sector, which is heralded by the neo-liberal regime as its hallmark, brings to light the grave challenges before the working class today. The possibilities for justice in this scenario appear very bleak.

The oligarchs who make up Indian Inc. and who are so concerned about the worsening 'investment climate', should engage in some soul-searching. They should ask themselves -

whether they should continue to treat the Indian worker simply as a cost factor that has to be reduced to zero or should they treat them with a little more respect, so that they too can live, and work, with dignity.

Therefore, PUDR demands that:

1. An independent and unbiased judicial enquiry should be initiated into the events that led to the death of Awanish Dev. The judge nominated should be someone both parties are agreeable to.
2. The police investigation into the 18 July incident carried out by police officers of Haryana should be nullified and a fresh investigation be initiated, by an SIT comprising police drawn from other states.
3. The role of hired bouncers that led to the precipitation of the events at the spot be investigated.
4. The Haryana police officials, responsible for violation of legal guidelines regarding arrest and for custodial torture of arrestees, and harassment of their family members be identified and criminally prosecuted.
5. Re-instatement of all workers should be ensured in the absence of definite evidence of their involvement.
6. Role of the labour department should be investigated and action should be taken against the officials for not fulfilling their obligations related to labour laws.
7. All the workers arrested for the 18 July incident should be immediately granted bail. The trial into the incident should be speedily done and those not guilty should be acquitted.
8. Workers' right to have their independent union be restored at Maruti. The MSWU which is the legally recognised union of the Maruti Manesar unit should be allowed to function inside the factory with immediate effect.
9. All the contract workers both at Manesar and Gurgaon unit be immediately regularised and practice of hiring contract workers for regular work should be stopped.
10. The rights of workers guaranteed in law be enforced at Maruti with immediate effect.

As we go to print.....

On 26 April, 2013, the workers of MSIL (Maruti Suzuki India Ltd.) were still continuing their several months old struggle and were on *dharna* in Kaithal for their legitimate demands as has been stated in this report.

That very day the Financial Express reported that MSIL has made a net standalone profit of Rs1,147.5 crores. This marks 79.4 per cent increase in profit, in the quarter ending on the 31 March. The net profit of the company during the corresponding period last year stood at Rs.639.8 crore.

The numbers of cars sold during the same period, i.e., from January to March 2013, had gone down by 4.6 per cent. According to the management, the profit still rose due to “the higher sales of new models as Ertiga, Dzire and Swift, cost reduction and localization efforts, and the benefit of a favourable exchange rate”.

In the cobweb of managerial explanations of profit the workers, their back-breaking and mind numbing labour are not visible at all. It is obvious that in times when the costs of all inputs have increased, the reduction in labour costs is contributing substantially to the profits of the company.

The workers are still there - on a *dharna* - fighting against police torture, incarceration, illegal terminations, unfair labour practices, and for fair and just treatment by the powers that be.

Have you ever worked on a line puttin' out five
thousand bodies a day?
Then, brother, you ain't ever been to hell;
The bell rings and the line starts,
Bend, lift, hammer, screw,
No stopping now 'til noon, or 'til you drop,
Bend, lift, hammer, screw,
And the sweat pouring into your eyes and mouth
'Til your lips are puffed with the salt of it,
Your dripping hair hangs in your eyes
And you can't take time to push it back,
And your belly turns over at the smell of garlick,
Turns sick at the stench of human bodies,
Turns sick at guys spittin' tobacco juice and
blood,
Bend, lift, hammer, screw,
Get production, the eternal cry,
Your back feels like it's about to bust
And you can't straighten up or stretch,
And the line keeps pushin' bodies at you,
And there ain't no way you can hold 'em back,
Bend, lift, hammer, screw,
Oh, Christ, where is that bell,
Bend, lift, hammer, screw,
Four hours of it and then fifteen minutes to eat,
Bolt a hunk of bread and eat it again,
Bend, lift, hammer, screw;
Have you ever worked on a line puttin' out five
thousand bodies a day?
Then, brother, you ain't ever been to hell.

*a poem by Ralph Marlatt
published in his column 'Nuts and Bolts'
in the workers' journal United Auto Worker in the 1930s*

Published by: Secretary, People's Union for Democratic Rights, Delhi [PUDR]
For Copies: Dr. Moushumi Basu, A-6/1, Aditi Apartments, Block D, Janakpuri, New
Delhi
E Mail: pudr@pudr.org and pudrdelhi@yahoo.com
Web site: www.pudr.org
Printed at: Progressive Printers, A 21 Jhilmil Industrial Area, GT Road, Shahdara
Delhi 110095
Suggested Contribution: Rs.