

THE DAY AFTER

A follow-up report on the mass displacement of workers in Delhi
Findings of a survey of 100 closed units



Delhi Janwadi Adhikar Manch
July 1997

This survey was made possible by numerous visits and interviews carried out by activists of constituent organisations over a period of three months.
The willing support of the workers and their hopes kept our efforts sustained.

**For Private Circulation Only
Suggested Contribution Rs. 10**

Copies available at :

Delhi General Mazdoor Front
93, DSIDC, Okhla Phase I
New Delhi 110020

All India Federation of Trade Unions
BK-1/33B Janata Flats, Shalimar Bagh
Delhi 110052

Bharat Naujawan Sangh
2/74, Bhim Gali, Vishwas Nagar
Delhi 110052

Lokdasta
F/3/79 LIG Flats, Sector 15, Rohini
Delhi 110085

Published By : Delhi Janwadi Adhikar Manch

THE STORY SO FAR

On July 8 1996, in the matter of PIL. no 4677/85, a Supreme Court order directed the relocation/closure of 168 factories/industries in consonance with the provisions of the Delhi Master Plan according to which, industries categorised as 'H' (i.e. "noxious and hazardous") were to be relocated. This is only the first phase of a long-term exercise in which 39,000 units will be shifted out of Delhi.

In this first phase no less than 50,000 workers have lost their jobs and been dislocated with their families, many from homes they have lived in for decades. 7,00,000 more are "involved" according to the Government of India (Union Urban Affairs Minister in the Lok Sabha on December 10, 1996).

In our earlier report, *The Order that Felled A City*, (Delhi Janwadi Adhikar March, February/March 1997) we had pointed out the basic flaws in the Supreme Court order which had posed the issue of environment as if it is in contradiction to workers' rights. The issue of pollution was reduced to that of beautifying the physical landscape of Delhi for the rich, rather than improving the working and living conditions of the working people on whose labour the city rests. We pointed out that workers were being unfairly penalised for failure on the part of owners of capital to comply with statutory laws with regard to safety, effluent discharge, hazardous processes, etc. Astonishingly, these orders critically affecting the basic livelihood of working-class families were passed in their absence during the judicial proceedings.

Since then the Supreme Court has consistently refused to entertain any review petition. In one instance of non-payment of compensation by the terms of the order, (and therefore tantamount to Contempt of Court), the judges directed the workers of Swatantra Bharat Mills to approach the Labour Commissioner regarding compensation (Review Petition of Delhi Government, April 20, 1997).

One year has passed since the July 8 order of the Supreme Court. Hence we decided to undertake a survey to find out whether or not compensation was being given; if the industries are relocating or closing; and what has been the reaction of the state and central governments to such a major social calamity in the making.

THE SURVEY

Of the 168 industries closed down in the first phase, we were able to conduct a survey of 100 units. We were not able to trace any workers of the 20 stone-crushing units at Rajokri that were closed in 1992. The information pertaining to the 11 leather tanneries at Keshopur could not be translated into figures. In the case of another 9 factories, our team was prevented from conducting the survey by security guards and owners. The information from the remaining 61 units has been tabulated in this report.

(i) Compensation

The May 10, 1996 order of the Supreme Court had allowed the owners of capital to collect large sums of money on the land they had been given at subsidized prices, by selling it at current commercial rates. Additionally, the burden on the owners to pay the compensation was not onerous and represented only a fraction of their estimated collection. Given that compliance with statutory minimum wages (unskilled: Rs. 1784, semi-skilled: Rs. 1950 and skilled: Rs. 2208) is itself a rarity, the order has only served to further disadvantage the workers.

Moreover, the reference in the Supreme Court's orders to Section 25 F of the Industrial Disputes Act (i.e. "conditions precedent to retrenchment of workmen") meant that a large section of the workers employed year after year as *badli* or casual workers, entitled to ESI and other benefits were denied compensation. As is well known, the proportion of those on the muster rolls of the factories to those who are not, is at least 60:40. In other words, nearly 20,000 workers cannot even claim compensation. Our survey in fact indicates that even after decades in service, upto 80% of workers are non-permanent. Of this figure, how many are contract, casual or simply absent from the muster rolls is impossible to say, since the muster roll is under the sole and total control of the owners and there is no public access to it.

Of those entitled to compensation under Section 25 F of the Industrial Disputes Act (read together with Section 25 B which defines "continuous service"), our survey shows that **compensation has not been paid to any worker** although more than one year has passed since the order was issued on July 8 1996, and seven months since the 168 units ceased production in November 30, 1996. This is in total disregard of the order of the Supreme Court dated December 4, 1996, which fixed April 30, 1997 as the deadline by which compensation had to be paid.

The only exception to this is Ayodhya Textile Mills which is a public sector concern. It declared closure and gave six years' compensation as per the Supreme Court orders, in mid-June.

Significantly, compliance with Sec 25 F requires that the compensation is given to the worker the moment he/she is retrenched and not at some later date. Obviously there is a case for gross violation of the provisions under this Section. Further, Sec 33 C which governs recovery of money from the employer, provides for a special machinery for enforcement of this right. Surprisingly

even this has not been invoked. Once workers give an application under Sec 33 C(1) to the appropriate government for the recovery, and the government is satisfied that such is the case, then it can order the Collector to recover the amount in the "same manner as an arrear of land revenue". If there is any dispute about the amount due then under Sec 33 C(2) the Labour Court can settle the matter.

During the course of these seven months, innumerable memorandums have been submitted to the state as well as central governments requesting them to intervene in the matter. Delhi Janwadi Adhikar Manch (DJAM) has itself presented several memorandums: to the Central government through the Union Ministry of Labour as well as to the Prime Minister personally; and to the Lt Governor of Delhi. We had asked them to either move the Court for Contempt of Court proceeding or to overrule the judicial orders through a legislation. They have refused to intervene on behalf of the workers.

In the meanwhile, the Government of Delhi through a gazette notification on May 20, 1997, asked the workers of DCM Silk Mills, Birla Textile Mills and Swatantra Bharat Mills to collect their compensation on condition that they sign away any further claim. Since the amount being offered is in dispute, those who accept the terms jeopardize any chance of getting what is their due. However, if they refuse to accept the amount being offered what awaits them is a protracted court battle. The struggle is between unequals and the workers are doubly disadvantaged; all their rights are breached with impunity and where they are partially upheld, enforcement through the labour and civil courts is a costly and long drawn out affair.

(ii) Pretence of Relocation

The question of amount of compensation is also linked to the issue of whether the unit is relocating or closing. In the case of relocation, the compensation is to be the payment of one year's salary and an additional year's salary as "shifting bonus". Where it is closure, owners have to pay six years wages as compensation.

To begin with, the Supreme Court order does not specify what "relocation" is, and provides for owners to make fresh applications for loans. As a result, several small units and at least one big unit (K L Rathi Steel) have informed their workers they are closing, but have in fact relocated or resumed production under another name. Most owners play on the ignorance of their workers and simply inform them that the factory is closing, with no reference to the Supreme Court order at all, thus avoiding all their obligations and the very question of compensation.

Our survey shows that in a number of cases, the units have made no move to communicate their decision to the workers. In cases where the decision to relocate has been taken and communicated (31 out of 100 units surveyed) there is little to indicate that the owners are sincere about relocation.

Both G D Rathi Steels Ltd. and Nova Steels had declared closure of their factories after the July order. When the amended order came on December 4, 1997, raising the amount of compensation in case of closure, these factories immediately announced plans of relocation to Raipur and Bilaspur in Madhya Pradesh respectively.

For Birla Textile Mills, which had already reduced its workforce from 8000 to 2500 in the last few years, and was unable to shut down entirely, the Supreme Court order paved the way for an official closure. Later, when the amended order came, a relocation project at Baddi in Himachal Pradesh was announced overnight to escape the burden of compensation for six years. However, a team which recently visited Tonk in Rajasthan (relocation site for Swatantra Bharat Mills) and Baddi, found no sign of relocation work in progress. These sites which are much beyond the limits of National Capital Region (NCR), were chosen deliberately, so that workers would refuse to shift of their own accord. As per the order, any employee refusing to shift is automatically deprived of compensation of six years' wages.

We apprehend that the owners of capital are using the pretence of relocation in order to pay only a paltry amount to the workers, whereas their intention is to close the plants and escape paying six years' wages.

In case of small units, workers with no bargaining power due to their small numbers, unrecorded status of employment and unfamiliarity with laws and their rights, accepted whatever the owners told them. Employees of tanneries in Keshopur for example, were given only back wages.

(iii) Retrenchment in anticipation

Much before the Supreme Court order, some industrialists had begun a process of getting rid of their workers, either by termination of their service or by simply closing the factories. This was done to avoid any possibility of payment of compensation in the future. In the unorganised sector, where most of the workers were casual, without any record of their employment, they were simply thrown out by the managements at different stages, thus pre-empting the possibility of struggle for their dues once the order came into effect.

Before the date stipulated by the July order for closure (November 30, 1996), the management of G D Rathi Steel Ltd., declared a lockout on November 2, making use of a small agitation by the workers over the issue of yearly bonus. In the same manner, production was brought to a halt in Nova Steels on September 30. In Bhagsons Paint Industries, 44 workers were thrown out in a gradual process over a period of one year prior to the order. Only six workers were left to fight for their right to compensation when the final verdict came. Similarly, a slow process of terminations in small numbers had already started in Sahni Tyres with its workforce of 1600.

(iv) Cases of continuing production

Our survey of 100 units found some factories still in operation. Mahavir Steel Rolling Mills in Shahadra is a unique case, where the management challenged the Supreme Court order and filed a petition in February 1997, stating that theirs was not a polluting industry. They won the case in April 1997 and production resumed. This brings into question the basis of the selection of polluting units for closure.

In the case of a few others, the units remained in production illegally. In the locked premises of Bhagsons Paint Industries, production is carrying on inside the same premises under a new name, Jacksons Paints. The only difference here is the change of workforce. C R Leathers in Nangloi closed the factory on November 30 and reopened it on February 2, 1997. The same is the case with Ashoka Pulp and Paper Industries at Loni Road (not in the table) and Bhatia Chemicals in Shahadra.

(v) "Closure" of closed units

A number of units had been closed much before the Supreme Court orders came into effect. Twenty stone crushing units at Rajokri were closed down in 1992, despite the fact that several of them had begun installing water-sprinklers to bring down the dust pollution.

Daulat Ceramics has been closed since 1984. Delhi Steel Rolling Mills has been closed since 1990, as the factory was running into losses. Arun Chemicals had been closed in 1992 and Punjab Potteries in 1993. Manoj Batteries, Gulshan Metal and DCM Silk Mills were closed in 1995. These factories which had shut down following the logic of their own business interests, were brought under the fold of the order. Today, the owners stand to gain all the benefits, from land to loans, being offered by the Delhi government. At the same time they have no liability to their workers since the workforce has long since dispersed.

(vi) Transfer of employees to avoid compensation

In Nova Steels Ltd., a few workers out of the total strength of 252 were offered employment at the Mayapuri plant under the same ownership, after the amended order came in December 1996. The same is the case with Hindustan Vegetable Oils (not in the table), a public sector unit. Here 25 workers were transferred to Hindustan Breakfasts Ltd. These sister concerns of both the factories are in no position to absorb this additional staff. The fear of retrenchment would always hang over the workers' heads even though they may be accommodated for the time being. This is yet another way of closing down a unit and getting away from any liability of compensation. The workers of Hindustan Vegetable Oils have filed a case in Delhi High Court against such a transfer.

It is obvious that many disputes have emerged from the Supreme Court order, primarily because of the inherent loopholes in it. It is also clear that the owners of capital have taken every advantage of any aspect the court is ambivalent about.

We also found during our survey that a large number of workers are lost beyond trace. They have dispersed because of delays in compensation, and their consequent inability to fend for themselves. In area after area, workers' settlements look deserted and forlorn. As a result, even when workers' entitlement is not in dispute, circumstances deny them the opportunity to recover it.

Details of 61 Closed Units

Name of Factory	Address	Product	Number of Workers	Permanent	Casual	Contract	Decision of Management	Proof of Employment	Avg. Wage	Name of the New Site	Date of Closure	Affect on Health
1. Hindustan Petrochemicals	VII Mehapur Badarpur	Tar coal	55	25		30	Relocation	No	Rs. 45 daily	Patala	Jan-97	Asthma
2. Lakshmi Paint & Chemicals	490/123 Peepalaha Badarpur	Paints & Chemicals	45				Relocation			Nonda		
3. Gupta Industries	New Badarpur Police Station	Battery Plates					Relocation			Balsingam		
4. Manasa Paints	50/2 SOJ Chitra Ind Area Ph-II	Paints Chemicals					Relocation			Balsingam	Nov-96	
5. J. J. Foams		Foam	71				Relocation	PF Slip ESI Card		Santabed	30 Nov-96	Eye Problem
6. Indi Containers & Closures Ltd.	41 Gonia Ind Estate N Deth-20	P.P. Caps	128	105	22		Closure	ESI Card	1668 (Permt)		31 Mar-97	TB
7. Arun Chemicals	126 DISDC New Chitra ph-II		7				Relocation			Asar	1992	
8. Umashankar Khandeharl & Co	Chitra Ind Area Ph-II N Deth-20	Forging P/ Trac Gears	104				Relocation	ESI Card		Chitra Bassi	30 Nov-96	
Punjab Metal Works Pvt. Ltd.	Nangra Deth-41	Steel Forging	45				Closure	ESI Card	1800		30 Nov-96	Yes
10. Super Leathers	Nasirgan Road Nangra 41	Leather	34				Closure	Yes	1000		30 Nov-96	Breathing Problem
11. New Metal Co.	107/11 Kuar Rd Nangra 41	Steel Forging	40				Closure	ESI Card	1500		30 Nov-96	Yes
12. M. D. R. Leathers	Jamshapur Ph-II Deth-41	Leather	35				Closure	ESI Card	1400		30 Nov-96	Yes
13. Modern Leathers	Jamshapur Ph-II Deth-41	Leather	22				Closure	Yes	1600		30 Nov-96	Yes
14. N. K. Leather	Hastipa Road Renno Deth-41	Leather	25				Closure	Yes	1200		30 Nov-96	Yes
15. D. M. Leather	Naha Naha Deth-41	Leather	15				Closure	ESI Card	1000		30 Nov-96	"H
16. R. A. Leathers	Risha Gardens Nangra Deth-41	Leather	39				Change in process		1400		30 Nov-96	
17. C. R. Leathers	Risha Gardens Nangra Deth-41	Leather	44				Re started on 2nd Feb. '99	No	1500	Same place	30 Nov-96	Yes

Name of Factory	Address	Product	Number of Workers	Categories of Workers	Decision of Management	Proof of Employment	Avg. Wage Site	Name of the New	Date of Closure	Affect on Health
			Permanent	Casual	Contract			Wage Site		
13 Tarun Texting Co	Neha Vihar Delhi 41	Leather	30		Closure	ES: Card	1200		30 Nov 96	yes
14 Lala Ram & Sons	Neha Vihar Delhi 41	Leather	30		Closure	yes	1200		30 Nov 96	yes
20 Vivas Chemical	Nanglo Delhi 41	Chemicals	30		Closure	ES Card	1200		30 Nov 96	yes
21 Delhi Colours & Chemical Industries	4666 Agarwal Mansarovar Block Shahdara	Colours & Dyes	2	2	Closure	no			Before Nov 1996	
22 Ashoka Udyog	Lon Road Shahdara	Semi Craft Papers	30	4	Relocation			Bahgaon	30 Nov 96	
23 Bhatia Chemical Industries	G 1 Road Shahdara	Calcium Chloride	25	10	Relocation			Ameer		
24 Delhi Steel Rolling Mills	Lon Road Shahdara		125	15	Closure				March 90	
25 Bahavir Steel Rolling Mills	658 Kubu Ngr G 1 Rd Shahdara				Re Started					
26 Phillips Rubber Industries	299 Gokuln Delhi 94	Tyres & Tubes	35	35	Relocation	PF slip & ESI Card		NOIDA		
27 Bhagwati Oxides & Chemicals	1A Jhmi Shahdara	Lead Mining	50	8	Relocation	PF slip & ESI Card	1600	Chhatebad	30 Nov 96	
28 Lajpat Potteries	Gate No 1 Firdos Colony G1 Road Shahdara		50	2	Relocation		1000 (Casuals)	Chhatebad		
29 Nova Steels India Ltd	Lon Rd Delhi 32		252	252	Relocation	ESI Card		Banspo	30 Sep 96	
30 Super King Milling (Tyres) Pvt Ltd	Jhmi Ind Area Shahdara	Tyres & Tubes	200	190	Relocation		1670-3000	Sambhad		
31 New India Paints Industries	Jhmi Ind Area Shahdara				Relocation			U P	30 Nov 96	
32 G D Rathi Steel Limited	Jhmi Ind Area Shahdara	Steel Rolling	400	29	Relocation			Rampur (MP) Ameer (Rb.)	2 Nov 96	
33 K L Rathi Steel Limited	Lon Road Shahdara	Steel Rolling	400	200	Closure	ESI No Aff PF slip form	1400 perm 1000 casual		29 Sep 96	
34 Sahani Rubber Industries	Jhmi Ind Area		1600							
35 Manoj Batteries	1/59 SA Karnal Ngr Delhi								Closed since past one year	

Name of Factory	Address	Product	Number of Workers	Categories of Workers		Decision of Management	Proof of Employment	Avg Wage	Name of the New Site	Date of Closure	Affect on Health
				Permanent	Casual Contract						
36 Apex Chemicals	232 Karam Nager Delhi		15			Relocation		Reestpur			
37 Aarokh Colours	S/147 Karamel Ngr Delhi		15	6	9	Relocation		Reestpur	29 Nov. 96		
38 PIBC Tyres & Tubes	Industrial Area Karamel Ngr Delhi		100			Relocation To a nearby factory					
39 Guleshan Metal	40 no 38/18 Alpur Delhi 36	Metal reprocessing							Over one year		
40 Burnt Metal Works	39 Alpur Budpur Delhi 36	Lead melting				Relocation		Kund and Bheed			
41 Anup Gupta	Alpur gari Naree New Delhi 36	Metal Reprocessing	10			Closure			30 Nov. 96		
42 Bindal Industries	Naree Alpur Road Delhi 40	Bectable Powder	10			Relocation	No	Kund	30 Nov. 96	Coldness	
43 Mahalshahi Chemicals	Bhorgan Naree Delhi 40	Colours				Relocation		Sadpur	30 Nov. 96		
44 Punjab Potteries	Gurgaon Road New Delhi 37		150		150	Closure			1993		
45 Deulat Ceramic Industries	Nange Dairy Delhi 45								1984		
46 Amba Factories and Refractories	Gurgaon Road Delhi 37		10	7		Closure			30 Nov. 96		
47 Alps Industries	Gurgaon Road Delhi 37		10		10				30 Nov. 96		
48 Birla Textile Mills	Subh Mand Delhi 7	Treads	2796			Relocation	yes	2000 Badli HP1	30 Nov. 96	Asthma and C.B	
49 Sri Ram Foods and Fertilizers	15 Shree Marg Delhi 15	Vegetable Oil etc	1304	654	650	Relocation	yes	16 NC Rapure Punat	30 Nov. 96		
50 Swamintra Bharat Mills	Shree Marg Delhi 15		1400	1400	1400	Relocation	yes	2000 Gurgaon	30 Nov. 96		
51 D C M Silk Mills	Shree Marg Delhi 15	Treads	280			Relocation	yes	2000	1997		
52 Hindustan Insecticides Ltd	GGS Marg Delhi 15		500	160	140	Relocation		Cochar	30 Nov. 96		

Name of Factory	Address	Product	Number of Workers	Categories of Workers	Decision of Management	Proof of Employment	Avg Wage Site	Name of the New	Date of Closure	Affect on Health
				Permanent Casual Contract	Closure			Site		
13. Hindustan Vegetable Oils	Sabzi Mandi, Dehri 7		150		Closure				30 Nov '96	
14. Ayodhya Textiles Mills	Asadpur, Dehri		100		Closure				30 Nov '96	
15. Bhagsons Paint Industries	Ballings Estate, Dehri 40		6		Closure				30 Nov '96	
16. Alfa Pigments	Ballings Estate, Dehri 40		3		Closure		1100		30 Nov '96	
17. Shinde Kit Products	Ballings Estate, Dehri 40				Closure				30 Nov '96	
18. Bajaj Tyres	Ballings Estate, Dehri 40				Relocation	ESI		Indore		
19. Croda Polymers	Sama Pur, Dehri 42		25		Relocation			Varanasi		
20. Organo Dye Stuffs	Chowk Sama Pur, Dehri 42				Relocation			Varanasi		
21. K.C. Dyers	63/30 Devnagar, Dehri 67	Dyeing material	50		Relocation	No	900-1400	Bhwal	30 Nov '96	Yes

Note : Compensation has not been paid to any worker of any units closed. The only exception is that of Ayodhya Textile Mills.

A CLOSER LOOK AT SOME UNITS...

KESHAVPUR TANNERIES

Twenty five tanneries which were operating at Keshavpur were earlier located in Punjabi Bagh where they were shifted from Karol Bagh. D.D.A. had developed and sold the land to the tannery owners. Each unit employed no more than 3-4 workers. The total labour force of 25 tanneries put together did not exceed 120. Most of these workers were from Samastipur or Vaishali districts of Bihar. None of them were permanent employees. The older workers received Rs. 1200 p.m. and new ones received Rs. 300 - 600 pm.

Eleven out of 25 units appeared in the Supreme Court list of factories and were closed down. None of the workers have received any compensation.

According to the workers and owners of these tanneries, there is nothing in leather processing which contributes to pollution. The real problem was with the traders who collect and sell dead animals. They used to leave them on the land facing Keshavpur Tannery. Bones were strewn around the residential colonies which attracted vultures. This problem for the residents led to the closing of units.

When our team visited the area, there were some units still working with goat hide, some of the hides drying under the sun. In another unit a truck was being loaded.

G. D. RATHI STEEL LIMITED

Situated on Loni Road in east Delhi, it is one of the medium sized factories in the list of 168 units. Four hundred workers were involved in the production of steel rods (sariya), of whom only 29 are permanent. The rest are either casual or on contract. After every six months, their service record is discontinued by the management in order to deny them permanent status as workers and all other benefits.

On November 2, 1996, when the workers demanded their yearly bonus, the management used this opportunity to declare a lock-out. So a closure arising out of an industrial dispute came into effect before the Supreme Court order. This was a calculated move by the Rathis. Now in order to claim compensation due to closure, workers will first have to fight a legal battle in the labour court to prove the lock-out as illegal. And such battles between workers and managements drag on for years in the courts. By that time the Rathis would have sold the land at Loni Road worth crores of rupees and shifted the capital to some other trade.

After the order on November 30, the management decided to declare the present unit as closed. But when an amendment was made by the court on December 4, raising the compensation amount from one year to six years in cases of closures (in case of relocation, compensation remained unchanged from the earlier order), the management immediately declared a plan to relocate the plant at Raipur in MP, much beyond the limits of the NCR. However, since this move was made to escape the financial responsibility of compensation, no procedure was initiated for relocation. Workers were compelled to approach the court. At present three separate petitions against the management are pending on behalf of office staff, permanent workers and contract workers.

K L RATHI STEEL LTD.

Situated on Loni Road, K L Rathi Steel Limited, registered in 1950, has approximately 500 workers of whom 300 are either temporary or contract workers. 250 of the contract workers have been employed for 8-10 years. Like G D Rathi here also 60 temporary workers get re-employed every 6 months. The average salary of the contract workers is Rs.800 to Rs.1000 p.m., much below the minimum wage. There is only one contractor who supplies labour, under sixteen different names. While a notice for closure has been put up, workers claim that the factory is being relocated in Ghaziabad. Even the Provident Fund has not been released to the permanent workers. The entire workforce has gone to court for payment of compensation.

NOVA STEEL INDIA LIMITED

One of the three steel companies at Loni Road is Nova Steels with a workforce of 252 workers. No worker has any appointment letter. The factory was officially closed on November 30 but production came to a halt on September 30. As with G.D Rathi Steels it was done in anticipation of any compensation claims arising out of the order of July 8.

On December 27, after the financial accountability of management towards workers was increased by the court in case of closure, the management came out with a plan to relocate at Bilaspur in M.P. The workers refused to go to such a distant place. They filed a petition on February 8 demanding that either the factory be relocated within NCR or otherwise compensation be given for 6 years.

Some workers were given an option to shift to the Mayapuri plant of the same ownership. This move was made by the management to escape the burden of compensation for the time being, leaving open the option of retrenching the workers at an appropriate moment. But the workers decided to stay back with the others and fight the case.

BHAGSONS PAINT INDUSTRIES

Situated in the Badli Industrial Estate near Delhi Bypass on the northern border, Bhagsons Paint Industries had 50 workers in its factory. Along with the Supreme Court proceedings, a slow process of retrenchment started in Bhagsons. This was done to escape the financial burden of compensation to workers in case an order was passed by the court. Only 6 workers were left when the final verdict came. Determined to claim their dues and compensation they filed a case at the Labour Commissioner's office. As a result, on May 3, they got their salary up to March. Since then, they have been sitting on a dharna at the factory gate, to keep the pressure on the management and the authorities.

The factory gates are locked from outside, but the same production with the same polluting process continues inside with a new workforce, under the new name of Jacksons Paints.

THE MASTER PLAN OF DELHI

The Supreme Court has used the Master Plan of Delhi (MPD) selectively as well as in an arbitrary fashion. For instance, in its order of December 31, why did the court go beyond the purview of the MPD whose planning authority does not extend beyond National Capital Region? The July 8 order had obliged the owners to relocate within the NCR but the December order overturned it, by permitting relocation anywhere in the country.

Again, the MPD says that, "Existing industries should not be discouraged or expelled; attempts should be made for their better and more efficient operation". Accordingly, the Supreme Court in an earlier order dated April 9, 1996 directed 1.27 lakh units to set up Common Effluent Treatment Plants. The total cost was to be Rs 200 crore, of which 20% was to be paid by the industries apart from their liability to re-pay 30% of the cost borrowed from the Industrial Development Bank of India. In other words, these units were to contribute Rs 40 crores and repay the loan of Rs 60 crores in instalments. The remaining 50% was to be borne by the state government. This course of action was in conformity with the MPD. This would have brought down industrial pollution and saved lakhs of jobs. Yet, it was dropped without any explanation!

Further, in the illustrative list of industries permitted by the MPD in conforming zones are included such activities as stone-crushing, small steel forgings, ceramics and potteries, automobile spare parts and accessories, etc. They are not categorised as "H", i.e. "noxious and hazardous". Since the basis of the July 8 order of the Supreme Court is category H, there is no justification for shutting down units such as those listed above.

If provisions of the MPD can be used selectively, then why is it that in each case the workers have suffered while owners have benefited?

If the MPD 1962 is indeed, according to the Judges in their order of April 30, 1996, a "Charter for deciding land use pattern", then they ought to have considered the premises on which various projections were made in the MPD. Its estimate of population in 1981 was 55 lakhs which became 62 lakhs in actuality. The size of the workforce was estimated to be 4,40,300 in 1981 compared to 4,60,000 in actual fact. By now even these figures have become irrelevant. By 1996, Delhi's population crossed one crore, number of workers climbed to 9.1 lakhs.

Even the pattern of migration proved to be at variance with projections. MPD 1962 believed that "migration to Delhi is relatively greater from Rajasthan and south Punjab (Haryana after 1967) than from West UP or northern Punjab". Therefore, it sought to create employment opportunities around Delhi, "in the Ring Towns especially in the directions where most of the people come from" (p 75). However, Delhi Urban Arts Council in its Conceptual Plan 1986, established that migration from UP and Bihar alone accounts for 52%. Only 20% of total migrants come from Haryana, Punjab and Rajasthan.

In other words, MPD 1962 was way out of tune with the changed reality and therefore its recommendations were out of date and irrelevant. The Master Plan for Delhi 2001 which was

supposed to undertake "revision" of MPD 1962 also proved unreal. Indeed, its recommendation that Meerut, Rewari, Khurja, Rohtak and Panipat be developed to decentralise Delhi's growth fell flat because these towns had grown even faster and were themselves suffering from excessive air, water and noise pollution. In other words, relocating industries to bordering regions amounts to transferring the problem from Delhi to other towns.

Finally, if it is contended that certain manufacturing processes or operations harm those living in its environs then, surely those working in the processes are exposed to far greater risks. In the first place the Supreme Court could have demanded from the state government an explanation as to why it did not prosecute owners of these factories for contravention of Sec 87 (Dangerous Operations) and Sec 87 A (power to prohibit employment on account of serious hazard) of the Factories Act 1948.

In an earlier judgement (1982) the Supreme Court had ruled in the case of PU'DR vs Union of India (on the issue of contract workers employed for construction work for the Asian Games), that the Fundamental Right to Life (Article 21) includes health and strength, which is but a minimum requirement to live with dignity. By showing no concern for the workers' interests in its orders on relocation of polluting hazardous industries, the Supreme Court has overturned its own judgement. Workers have been victimised and reduced to penury, amounting to denial of their Right to Life.

WHAT NEXT?

What statistics and reports do not reveal is the simmering anger of the workers at the neglect and blatant denial of their rightful dues. In factory after factory, we were told by workers that they had been left with no alternative but to resort to desperate means. *"Ab faula sadken par hi hoga"*. The self-immolation of Sarvesh Chand during a May Day rally this year in Delhi caught public attention, but the widespread resentment among the workers continues to be ignored. It is only their sustained struggle that has now compelled some political parties to respond.

Neither the judiciary nor the administration nor the government can escape culpability for this grim situation. The judiciary has violated principles of natural justice by condemning workers in absentia - at no point during the entire judicial proceedings did the Court consider it necessary to listen to the workers' side of the story. The administration has shown its callous indifference by refusing to implement even the minimal relief to workers provided in the orders. And the government, which has been prompt in moving an ordinance to rescue 1800 government employees (ordered by the Supreme Court to vacate fraudulently acquired accommodation), has shown criminal neglect towards the lives of lakhs of working-class people.

This is nothing short of tyranny. What shape will the rage of the workers take?

The *Delhi Janwadi Adhikar Manch* was formed on December 16, 1996, when various organisations came together to address issues arising from a series of Supreme Court orders relocating polluting industries and cleaning up Delhi. We had two issues before us : (i) the dislocation of thousands of working class families due to the closure of factories, and (ii) the demolition of *jhuggi bastis* and the consequent displacement of those living in them.

So far, the *Manch* has been engaged in :

- organising protest dharnas at the Supreme Court, Labour Ministry, etc.
- holding public meetings on the issue in various industrial areas.
- campaigning against the Supreme Court order through distribution of thousands of leaflets, cultural programmes and rallies.
- mobilising opinion in universities, the media and the public at large through literature, discussions and public meetings.
- joining the struggle of *jhuggi* dwellers against the on-going demolition drive.
- supporting the formation of a *Sangharsh Samiti* of various *jhuggi-bastis* of the city.

Our publications include : i) *The Order That Felled A City* - A report on the politics of pollution and the mass displacement of workers in Delhi. ii) *For Whom The Bell Tolls* - A survey of six closed units.

We meet every Monday at 5 p.m. in the lawns of Constitution Club, Rafi Marg, New Delhi. We look forward to more people joining us, and strengthening the struggle of the workers.

We also appeal to you for small financial contributions to keep our work going.

The *Manch* comprises of: ■ All India Federation of Trade Unions ■ Progressive National Labour Union ■ United Trade Union Congress ■ Rashtriya Kisan Mazdoor Ekta ■ Sarvahara Mehnatkash Sangharsh Samiti ■ Delhi General Mazdoor Front ■ Nirman Mazdoor Panchayat Sangam ■ Mazdoor Ekta Committee ■ Indian Federation of Trade Unions ■ All India Coordination Committee of Trade Unions ■ Sangharshheel Mazdoor Samiti ■ Progressive Students' Union ■ Democratic Students' Union ■ Navjanvadi Shikshak Manch ■ People's Union for Democratic Rights ■ Aids Bhedbhav Virodhi Andolan ■ Saheli ■ Janpaksh ■ Fellowship of Blood Donors ■ Jhuggi Jhonpri Nivasi Adhikar Samiti ■ Asmita ■ Appeal Movement Coordinating Council ■ UBSPD Workers' Union ■ Sampradayikta Virodhi Andolan ■ Journalists' Forum ■ Bihari Sanskritik Manch ■ Centre for Alternate Dalit Media ■ Sarvahara Party - Nepal ■ Bharat Gyan Vigyan Samiti ■ Lok Dasta ■ Charvak ■ Peoples Union for Civil Liberties ■ Bharat Naujawan Sangh ■ All India League for Revolutionary Culture ■ Human Rights Trust ■ Naujawan Sabha