

The Conditions of the Contract Workers in 2010 at Indian Institute of Technology, Kanpur



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A Fact Finding Report by Raj Sahai

[For a summary report, please click [here](#).]

Introduction
Background
Summary of Findings
Recommendations
Acknowledgement
References

[Title Page](#)



[Page 1 of 38](#)

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

"I will give you a talisman. Whenever you are in doubt, or when the Self [ego] becomes too much with you, apply the following test. Recall the face of the poorest and the weakest man [or woman] whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him [her]. Will he [she] gain anything by it? Will it restore him [her] to a control over his [or her] own life and destiny? In other words, will it lead to Swaraj [literal: self governance, meaning liberation] for the [physically] hungry and spiritually starving millions? Then you will find your doubts and your Self [ego] melt away."

... One of the last notes left behind by Mahatma Gandhi in 1948, expressing his deepest social thought

Source: Mahatma Gandhi [Last Phase, Vol. II (1958), P. 65]

Title Page



Page 2 of 38

Go Back

Full Screen

Close

Quit

1 Introduction

As a representative of over 1200 alumni who signed the petition titled “STOP violation of Workers’ Rights at IITK,” [4] I spent three days on IITK campus from September 8 to September 10, 2010. During these three days, I met with the IITK Director, administrators, contract workers, faculty and students knowledgeable about the contract workers’ issue on campus. This report is based on what I learned from these meetings as well as several past and current records including a recent communiqué, past office orders, a recent June 15, 2010 circular, e-mail correspondences and petitions that I gathered over time and studied before my campus visit. IITK did not present me any new written evidence or documents to defend their position. My meeting schedule was as follows:

- (1) September 8
 - (a) Meeting #1 Attendees: Dr. S. G. Dhande (Director) and Prof. Sanjeev Aggarwal (DRPG).
 - (b) Meeting #2 with over 200 workers who gathered at 6 PM at Valmiki Mandir at IITK. Some workers, who have now been fired, came from as far away as Lucknow. This meeting is also referred to as ‘Hamara Manch’ (‘HM’) in the text.
- (2) September 9
 - (a) Meeting #3 Attendees: Mr. Rajeev Garg (Superintendent Engineer – SE, IWD), Mr. Tarun Gautam (IWD engineer and the MWMC secretary), several Engineers of IWD, Prof Sanjeev Aggarwal (DRPG), Mr. Sanjeev Kashalkar (Registrar).¹

¹ *Important note:* I had requested the meeting only be held with the inspectors of the IWD to understand work site realities for contract workers, but the Institute added many officials and bosses of the inspectors, so that in effect, open

- (b) Meeting #4 Attendees: Professors A.P. Shukla (Retired), Suchitra Mathur, Gouthama (Current Member MWMC), Rahul Varman, Harish Karnick (Former MWMC Chair), Manali Chakrabarti, two contract workers and a few students.
- (3) September 10
- (a) Meeting #5 Attendees: Prof. Munmun Jha (Current MWMC Chair), Mr. C. P. Singh (Assistant Registrar Legal), and Prof. Sanjeev Aggarwal (DRPG)

NOTE TAKER: Prof. Shobha Madan (an alumna, presently a faculty at IIT Kanpur and the first chair of the Minimum Wages Monitoring Committee) who was a voluntary observer, prepared transcripts of all meetings except the second meeting on Sep. 9 where a student prepared the meeting record.

and free dialogue with the inspectors was not possible.



2 Background

The practice of employing contract workers by IIT Kanpur started increasing at the expense of direct regular employees during the past two decades and presently the figure of the contingent workforce is estimated to be around 2,500. For its normal functioning, the Institute relies upon these contract workers not only for temporary construction works but also for perennial works such as messing (food preparation, serving and cleaning of kitchen and dishes), civil maintenance, electrical maintenance, horticulture, sanitation and sewer cleaning. The Ministry of Labor and Employment, Government of India, views that inferior labor status, casual nature of employment, lack of job security and poor economic conditions are the major characteristics of contract labor.[1] These most vulnerable workers have been provided unequivocal legal protection by different laws, mainly, Contract Labor (Regulation and Abolition) Act, 1970 [CL(R & A) Act, 1970], Minimum Wages Act, 1948 [MW Act, 1948], The Payment of Wages Act, 1936 [PW Act, 1936], Workmen Compensation Act & Apprentices Act 1961, and Inter-state Migrant Workmen Act, 1979 [ISMW Act, 1979].

These laws maintain that although contract workers are indirect employees, who are hired, supervised and remunerated by a contractor, it is the primary responsibility of the ‘principal employer’, i.e. IIT Kanpur, which retains and pays for the work performed by the same workers, to legally ensure the timely payment of minimum (living) wages, contribute to ESI/EPF and Workers’ Cess schemes, provide safe working conditions and safeguard the provision of amenities such as canteens, crèches, rest-rooms, latrines, urinals, washing facilities and first-aid facilities to the contract laborers.

The community of IIT Kanpur – students, faculty, staff and their family members – has observed numerous cases where the Institute has failed in its responsibility to protect the labor rights

Introduction

Background

Summary of Findings

Recommendations

Acknowledgement

References

Title Page



Page 5 of 38

Go Back

Full Screen

Close

Quit

of the contract workers. The incidents of not paying the legally mandated minimum wages, arbitrary hiring and firing by the contractors, malpractices in the constitutionally guaranteed social security schemes such as ESI/EPF, bullying, threats and harassments of these workers have been rampant; in fact an established practice. The negligence in realizing the health and safety conditions have given rise to numerous injuries resulting in deaths in some cases.[2] The IITK community, together with the workers, has been raising these issues and seeking redress from the administration and contractors for a long time. In recent times alumni and other citizens have also become a part of this struggle.[3] A signature campaign launched by a group of alumni has been supported by more than 1200 alumni.[4]

Introduction
Background
Summary of Findings
Recommendations
Acknowledgement
References

Title Page



Page 6 of 38

Go Back

Full Screen

Close

Quit

3 Summary of Findings

A summary of what I learned during my visit is given below. Details are presented in the subsequent sections.

All IITK senior administrators have insisted that:

- IITK is following all labor laws;
- Situation in IITK for contract workers is better than that outside the campus; and
- Things have significantly improved since 2007.

However, none of the Institute officials acknowledge the contradictions or find anything wrong with the inconsistencies in the documents they themselves prepared or actions they themselves undertook that violate the spirit if not the letter of the labor laws. The general lack of actions on their part to punish the contractors for engaging in corrupt labor practices is also evident. The various reports generated by the Minimum Wage Monitoring Committee (MWMC) [14, 15, 16] before 2008 and reports from labor commissioners' investigating team in 2009[11] have not resulted in any improvement in the lives of the contract workers despite the claims of these officials in my meetings with them.

The officials of IITK wish to convince the alumni that all necessary steps have been taken to correct the abuse of the contract workers. However, they have shown little interest in enforcing the Contract Labor Laws designed to protect the contract workers, the most vulnerable and least paid workers on the campus. An example of this mindset is a recent unsigned, undated document,(and not written on the official letterhead of the institute, titled *Communiqué*[5] prepared

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



[Page 7 of 38](#)

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

by an undeclared group of faculty/administrators. It was sent by the DRPG to the present and past presidents of the alumni association and a couple of the alumni, including myself, who are part of the efforts to correct these malpractices. It declares all the contract workers are now being paid their minimum guaranteed legal wages in the MWMC office; that the emergency campus medical facilities are now available to the workers, and all other grievances of the past are now being effectively dealt with. However, I learned in my visit to the campus that when one of the present MWMC members saw it and questioned the claims made in this *Communiqué*, he was told, “This may not be the existing reality, but this is what our committee should aspire to do.”[10] From this I concluded that the alumni are being shielded from the truth.

The Director and the Institute officials insisted that significant improvements have been made in the conditions of the contract workers since 2007. Thus, it would seem that the institute took initiative for these claimed improvements. However, such an impression will be misplaced. I learned that it was IITK community, including alumni intervention and condemnation[3] of IITK’s apathy towards the unnecessary deaths of three workers in 2007[2] that forced the IITK administration to issue the Sept. 16, 2007 office order which promised various reforms[17]. Yet, its primary intent was essentially to placate the community and alumni rather than solve the problems as can be judged by the fact that even after three years, the Office Order is yet to be implemented. Similarly, when in 2010, the alumni petition[4] regarding workers’ rights once again strongly expressed alumni concern, the Institute issued the *Communiqué*[5] that also asserted that all was well. But in between these two documents, the September 16, 2007 Office Order and the *Communiqué*, I learned that the Institute has also taken a number of steps and issued documents internally which contradicts these documents. These include appointment of members to MWMC who are generally unsympathetic to workers, disconnecting it completely from the large volunteer base that had made it functional prior to 2008, and turning over the wage office to the Institute Works Department (IWD) so that it lost all significance as an independent instrument for wage disbursement and handling grievances. In addition, there were notices issued for the Safai Karamcharis[19] and the June 15, 2010 Circular[6] empowering contractors to fire any worker without recourse for redressal. Since 2007, two more workers have met with accidental deaths and three have been seriously injured.[2] Yet, none of these deaths or injuries has been appropriately compensated nor any significant efforts were made to



improve safety at workplaces. From all these measures, I can only conclude that the Institute officials' are apathetic if not hostile towards the contract workers.

My three meetings with the Institute officials[7, 8, 9], confirmed the conclusion based on the documents issued noted in the paragraph above, that the IITK officials have no sympathy and little regard for the welfare of the contract workers . They do not value these workers' contributions to the functioning and growth of the Institute and have no appreciation of the wealth created by their labor. They don't see that the faculty and students enjoy the same facilities these workers create and maintain by their hard and illegally underpaid labor. In fact, the officials see them as essentially worthless and a nuisance that they are obliged to put up with, and wish they could be replaced by machines. The result of anti-worker attitudes among the officials of IITK has led to an environment of persistent intimidation of workers which is evident from:

- (1) Workers continue to be denied minimum wages, health and retirement benefits (ESI and EPF), and other basic amenities, such as Rest-rooms, Canteens, Latrines and Urinals, Washing facilities, First-Aid facilities, and Crèches constitutionally due to them.
- (2) The abovementioned Director's Circular[6] of June 15, 2010 which has empowered the contractors to fire workers without any due process. This contradicts the previous order of 2007 and clearly violates the spirit if not the letter of the contract labor laws.
- (3) General lack of or badly delayed and inadequate punishment of the contractors against whom complaints have been filed while workers have been fired for merely lodging complaints.
- (4) Lack of concern for providing safe working conditions and the safe conditions for the workers' children, who remain at the construction site while their parents work[26, 31].

The current MWMC Chair whose job it is to be the watchdog for the workers' interests instead defends the contractors. In his opinion, contractors are necessary for the institute, but the workers are not.

A former chairman of MWMC wrote in his 2007 terminal report the following: "... [O]ur communication to the administration has been largely one way. We have sent countless suggestions,



complaints, reminders to the administration, but they have usually chosen to ignore them, forcing us into an unprecedented situation where we had to file an RTI even to get information from the administration. And even then we were not provided with complete information.”[14] While the Director in his meeting acknowledged there were problems in the past, he claimed there has been “significant improvement” since that time.

In my investigation, based on my conversations with the workers and activist students and faculty, I found that the conditions have largely remained the same as in 2007, and in certain aspects have worsened.

The following sections provide further details on the important aspects that affect contract workers at IIT Kanpur.

3.1. The Monitoring of Workers Minimum Wage

Minimum Wage Monitoring Committee (MWMC) is supposed to oversee payment of minimum wages to workers. When I asked the Director if minimum wages are paid in the Institute, he responded, “We stand by that. If any case is brought to our notice we will surely look into it.”[8] On the other hand, the current MWMC Chair considers the workers as dispensable but not the contractors. In my meeting with him, he said, “Just to blame the contractors is really crazy. If contractors go, the Institute cannot function. Permanent workers do not work.”[7] He blamed the labor movement for this assessment of his which was not substantiated by any example. At this, I asked him, “How can you be MWMC Chair with this attitude towards workers?” I received no response to that question.

Contrary to these claims of the officials, I found that:

- (1) Minimum wages are not paid to all workers. Even Labor Commissioner’s investigative team noted that point as well: “Workers engaged by two contractors M/S Rakesh Brothers and M/S S T Advani are receiving wages less than the minimum rates fixed by the govt.”[11]

- (2) Some are paid min wages at the wage office but are asked to return part of the wages back to the contractors. This happens even when the payment is made by check, with workers being asked to withdraw money and return it after depositing the check. Even the current MWMC Chair acknowledged this, “Contractors taking money back is going on, but we can’t do anything about what they do at home.”[7] On the other hand, the MWMC Secretary asserts, “To my knowledge and estimate a number of workers are very aware, (and) so no contractors are in a position to take money back.”[9]
- (3) Workers told me that all of them were not brought to the Wage Office for payment of wages. In fact, different sets of workers were taken to the Wage Office for payment every month. In contrast to this reply from the workers, the MWMC Secretary insists that “99% of workers are paid in Wage Office.”[9] The conclusion I draw from this contrast in views is that the IITK officials are anxious to convince the alumni of something that is far from the truth and that the workers being denied their minimum wage is the norm rather than an exception.
- (4) There exists a suspicion among workers that contractors have ghost workers on their payroll, so as to reduce payment to the actual workers and pocketing the payments from the Institute. A request by former MWMC Chair to verify if alleged workers on an official IWD list were actually working, revealed that only a handful of workers out of the list of workers provided by the IWD were actually working on site.[12]
- (5) The workers told me that those who demand their legal wages are either fired or their skill category is reduced to justify paying lower wages. This directly contradicts the official version that workers indeed have the ability to be heard for their grievances. In fact, the workers told me that the contractors threaten to fire them in the very presence of the IWD inspectors, with the inspectors raising no objection nor ever bringing this to the notice of their supervisors, as indeed there was no official who gave me any instance where the inspectors ever complained about the contractors. Cases where IWD Officials themselves threaten to fire workers who complain are also not uncommon. A recent example is the firing of VH workers.[21]
- (6) For AC and Electric workers, skill-category of the same workers keeps changing (in terms of wages) from month to month.[10]



- (7) Contractors hire many more sanitation workers (up to 1.5 to 2 times) than are sanctioned by the contract, and then take bribes (up to Rs. 20,000 for providing employment) from these extra workers and/or demand a monthly cut from their pay. In addition, the sanctioned workers are not allowed to work for the full 26 days in a month; they are given employment (and hence payment) for only 10-15 days, though the institute is charged the full 26 days' amount for these workers.[10]
- (8) For a horticulture contractor, workers reported that new workers often have to pay a bribe to get work, and workers are also forced to pay Rs. 270 per month to the contractor once they are given work.[13]
- (9) On fixed man-hour contracts, the contractors receive remuneration for all workers including those who are absent. This gives an opportunity to contractors to give baithki (forced leave without pay) to workers even for minor offenses, further intimidating the workers.
- (10) Workers' attendance records are tampered with, at times to reduce attendance so that workers are paid less than their due, and at other times, increasing attendance and then asking the worker to return the 'extra' money thus received as wages in the MWMC office.[10]
- (11) Mess workers do not receive any overtime payment despite working hours that stretch over 14-15 hours per day from 6:30 AM in the morning till 10:30-11 PM, with only a few hours of rest in between. Three mess workers arbitrarily fired on July 2, 2010 have revealed that one female worker had the working hours from 7:30 AM to 6:30-7:00 PM and the two male workers had the working hours from 6:30-10:30 AM, 11:30 AM-3 PM, and 6:30-10:30 PM. As opposed to the government messes, no shifts are permitted in the private messes. The IWD Engineer/MWMC Secretary, who looks after mess related complaints, told me that he didn't know what the working hours were in the messes but he thinks they work in shifts.[18] The issue of long working hours without overtime payment is also visible in other works as well. For example, the canteen workers start at 1-1:30 PM and work till almost 3:00 AM. On the construction sites the work continues as late as 7:30-8:00 PM.

The sum total of the money thus stolen from workers wages is estimated by the activists in support of the contract workers to be several crores per annum, based on an estimated monthly wage bill of Rs 1 crore.



3.2. Workers Grievances and their Resolution

Even though the MWMC scope excludes the grievance resolution, the Director stated that, “They [the contract workers] can go to MWMC. In fact, they are welcome to contact anybody.”[8] In the *Communiqué*[5]i, it is stated that “The scope and terms of reference of MWMC has been widened so as to entertain all disputes related to (i) payment of wages; (ii) corrupt labor practices; (iii) providing welfare amenities at work places; and (iv) safety measures to be adopted by the contractors at work places. In order to redress the genuine grievances of the contract workers, the MWMC has been empowered to make suitable recommendations to the Administrator and / or Director.” Yet no evidence was provided to me that in fact the scope of the MWMC has been so widened. In response to my request, the Director promised to provide me the documents by which it has empowered the MWMC within one month of my visit of September 8, 2010, but has failed to provide it as of the issuance of this fact finding report. This assertion by the Director and the *Communiqué* is rejected by another member of the current MWMC, who insists that the MWMC is only an advisory committee unable to execute any action.[10] This confirms further that the institute officials are attempting to simply placate the alumni rather than make efforts to redress worker grievances.

The MWMC Secretary replied in answer to the concern I expressed as to why the MWMC has faced reduction in the number of complaints, “Right now all payments were made in front of us so there exists no question of any complaint. According to my knowledge there were some problems three years ago.”[9] However, in their inspection report this is what labor commission officers had noted, “The workers do not receive wage slips before disbursement of wages. Registers/records are also not maintained by the contractors under MW act 1948, CL (R & A) 1970, BOCW act 1996 [Building & other construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (BOCWA)].”[11]

Superintendent Engineer IWD suggests, “If there are any complaints they can complain to MWMC. Every worker knows about MWMC. Also they can approach anyone in the campus.”[9]

However, I learned from workers that they don’t find it helpful to file a complaint with MWMC. They told me that that until the recent past, every single time when workers have gone to the



MWMC chair, he has shown helplessness reiterating that he has no authority whatsoever. Workers explained to me that complaining to the MWMC or other officials only leads to their firing, therefore it is better not to complain. An example: twenty five (25) workers working on the Environmental Sciences Building were fired because they demanded full wages. IITK appointed Committee found that workers' claims were legitimate, yet to workers and my knowledge, the offending contractor was not punished in any way. In fact, the same contractor was awarded Rs. 25 crores worth of new contracts. The fired workers' accounts have not yet been settled. They have filed complaint with Regional Labor Commissioner's Office in Kanpur.[15, 16]

The issuance of 15th June, 2010 Circular[6] by the IITK Director has given full authority for hiring and firing to the contractors without any due process, which has further contributed to the climate of intense fear among contract workers. The Circular clearly states, "Employing and dispensing with the services of any contract labor, is wholly and absolutely the domain of contractors and the Institute by no means and no count, is concerned with this aspect of the contract labor and has it ever been the intent of the Institute." This is in direct contravention of Contract Labor laws. Also, any reasonable impartial person reading this cannot fail to see the stark change of policy between the September 16, 2007 office Order and the June 15, 2010 Circular issued by the Director. Yet neither the Director, who issued both documents, and who stated that he signed June 15, 2010 circular based on legal advice but does not understand what it really means, nor Assistant Registrar Legal, who presumably advised the Director on that circular, nor current Chair of MWMC seems to find any inconsistencies between the June 15, 2010 Circular and the September 16, 2007 Office Order, which states the following:[17]

- (1) The Contractor can hire or not hire any worker for the work.
- (2) Once Worker is hired for a specified period, he/she can be disengaged before the period expires under the following conditions:
 - (a) The work is over before the expected time period. This is to be certified by Administrator.
 - (b) Worker behaves in undesirable ways. In this case, the termination must be recommended by the Grievance Committee.



The officials also insist that in spite of the June 15, 2010 Circular, arbitrarily fired workers still have recourse to due process. Assistant Registrar Legal stated, “But firing has to be done with due process. Even the Supreme Court recognizes due process. So even if the Director writes this, he cannot wash his hands off due process.”[7] However, the Director washed his hands off by saying, “this is all legal and not my writing. It has been prepared by the legal Officer, he asked me to sign, so I did. He issues a policy document, the implication I do not know about the orders in detail. You must meet him.”[8]

From the fact that the Director can sign a document affecting the lives of so many workers which may, furthermore, be illegal without understanding what it implies, one can reach only one conclusion: he is not in control of his own administration. A fired contract worker is in no position to find a lawyer to file a lawsuit to defend him in a court of law because he is a vulnerable person with little reserve, and must immediately find work just to feed himself and his family. In fact that is why the contract labor law was enacted in the first place.

An example will illustrate the effect of the June 15, 2010 Circular: I learned that three workers from the Hall 7 mess were fired without any notice or reason given to them on July 2, 2010. Not even a formal letter of termination was issued; the workers got the news either orally or through another person. Later, the workers tried approaching the Hall Mess Secretary, Hall President, Warden-in-Charge, and the MWMC chair. But all of them refused a hearing citing the June 15, 2010 Circular.[18]

3.3. Maintenance of Workers' Records

The Contract Labor (Regulation and Abolition) Central Rules, 1971, in Chapter VII states the following about the Employment card: (I) Every contractor shall issue an employment card in Form XIV to each worker within three days of the employment of the worker. (II) The card shall be maintained up to date and any change in the particulars shall be entered therein.

Institute officials provided conflicting answers to how many workers have been issued Employment Cards. In the *Communiqué*[5] it has been claimed that “All the Contractors working on the Campus have been directed to issue photo ID cards to their workers on the Campus. In this regard a total of 1474 workmen working on the Campus have been issued with the ID cards and efforts are on to provide ID cards to the remaining workmen.” I learned from ‘Hamara Manch’ workers and activists that according to their estimate there are close to 2,500 contingent workers on the campus. This means that the *Communiqué* claims around 59% of the workers possess these ID cards. However, the present chairperson of the MWMC in our meeting[7] made an assessment that “at least 80-85% workers get the ID card.” In another meeting[8], the Director provided the figure of 2000 ID cards. On the other hand, the Assistant Registrar Legal says, “Each worker gets an employment card. I believe all workers have it.”[7] The lack of consistency on the numbers suggests that the administration does not even know how many workers are actually working on the campus.

In line with the failure to ensure employment cards, the labor officials reported in their March 10, 2010 report[11] that, “All the contractors have not issued employment cards to the workers engaged by them.” In the worker presentations given at Hamara Manch[20], it was revealed that construction workers are hired normally through petty contractors and many of them don’t have any kind of employment cards.

This situation still allows the continuation of impersonations and the diversion of the wage payments. On this note, it would be apt to point out a quote of Superintendent Engineer, IWD when asked about the employment ID card, “. . . anyway the engineers are there at the site and within a month they know all the workers by their faces and names.”[9] However, in the absence of photo ID card, the face recognition techniques and memory power of IWD engineers do not prevent Mr. X (a contractor’s impersonated man) going to the Wage Office and collecting full legal wages without working while Mr. Y, an actual worker, gets paid half the legal wages for working up to 12 hours a day. The lack of proper documenting procedures, written records and proper verification is thus a means to facilitate corruption and fraud.

Also, the Contract Labour Central Rules 1971, provides guidelines to maintain and preserve the register of persons employed, muster roll, register of wages, register of fines, register of



deductions for damages or loss, register of advances, register of overtime etc. However, in their inspection report this is what labor officials have noted, “The workers do not receive wage slips before disbursement of wages. Registers/records are also not maintained by the contractors under MW act 1948, CL (R & A) 1970, BOCWA Act, 1996 .[11] In the Environment Building case[15], the Partial Recovery of Wages Report[16] submitted by the committee mandated by the Institute to investigate the issue, also noted that no records were being maintained even after the Sept 16, 2007 Office Order. Even the June 15th 2010, Circular, a document which blatantly denies certain labor rights, agrees with the fact that the contractors don’t maintain registers and records, “. . . this fact has come to the fore that contractors were found wanting in maintenance of a number of registers and records etc for which the concerned authorities seem primarily to be focusing on the Institute in the overall perspective. The Institute certainly does not relish this and intends to convey its displeasure accordingly.”[6] From this I concluded that the Institute wishes only to blame the contractors for poor record keeping – now that the labor commissioner has cited the institute for this irregularity – but sees no responsibility for itself to force this correction on the contractor by withholding payments to the contractors until the records are correctly kept and when the contractors fail, then annul the contract or sue them in a court of law if needed.

In my meeting at the IWD office, I was shown a stack of registers with construction workers names, and there were columns with numbers for PF and ESI deductions noted against each worker. However, it was not possible for me to verify the names nor when these registers were prepared. If the workers are too afraid to complain, they probably are too afraid to look. The authenticity of the amounts in the register will also need to be checked by a worker representative, given the history of this issue, and reported ghost worker names on payroll of contractors. Proper record-keeping is a much pressing issue for migrant workers. These most vulnerable set of contract workers, who for that reason are entitled for additional legal protections, are simply denied the legal rights sanctioned by the law even made for the local contract workers. In the absence of any records, these workers, though real, just do not exist on paper: thus NO ESI, NO EPF, NO proof of how much is being paid is necessary. In case of accidental death or injury, contractors simply disown the worker.

The Institute claims to have made some progress in record keeping through payment of wages through checks or workers’ bank accounts by some contractors. However, this “progress” has

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



[Page 17 of 38](#)

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

not stopped contractors demanding workers to refund part of their wages by withdrawing money from their accounts after depositing the checks. Although we cannot expect the Institute officials to be able to police the illegal activities outside the campus, it is obvious they can help the workers fight this practice by encouraging them to express their grievances confidentially and after investigation to verify these, they can take appropriate actions to punish, not just express displeasure at the contractors. However, I found the attitude of the officials decisively hostile towards the workers in general as expressed in the following phrases: (the workers belonging to) “mafia culture”, “coming drunk to work”, “doing hanky panky”, “labor movements is the reason that permanent workers do not work” and “the problem is that not everything is automated”. Such displayed attitudes led me to the conclusion that the law’s protection for the contract workers of IITK campus is in the hands of those who are themselves prejudiced against them. The conclusion from these interviews with the officials of IITK is inescapable: the contract workers at IITK cannot get protection of the law under these circumstances.

3.4.

Migrant Workers

Perhaps the findings[11] reported by the labor officials in their inspection visit that they found no interstate workmen, gives the Institute a justification to claim that no interstate workmen are employed. The Director claims they must be very small in numbers even if there are any.[8] The IWD officials emphatically say none at present.[9] In their view some have been working here for 15-20 years – among them either they have become primary residents of the campus or they have settled to nearby villages – and therefore have lost the right to be termed as migrants.

However, despite these denials, I learned about evidence of the migrant workers presence as noted in the following:

- (1) During Regional labor Commissioner’s campus visit[23] on May 7, 2010, the commissioner encountered the migrant workers in large number in front of several top Institute officials despite the effort made by the administration and the contractors to hide them in

the bushes or transport them away from the sight of inspection in open trolleys. The group of workers and their families whom the officials were trying to hide also consisted of female workers, adolescents and children with them. The local workers do not bring their children except those who are very young to workplace. I learned from the workers that migrant workers were not only from Chhattisgarh but also from Bihar and West Bengal.

- (2) There was an IME Building case of 11 migrant workers who filed a complaint[27] with the chair of the MWMC on 1st October, 2009, against their contractor for not giving them due wages and for verbally abusing them.
- (3) I also saw write ups on this issue in 22 Oct, 28 Oct, 4 Nov and 20 Nov, 2009, updates[24] of 'Hamara Manch'.
- (4) Environment Building case against the contractors taking back wages also involved migrant workers.[15]
- (5) A student prepared report[26] on the life of a construction worker at Hall X site also mentions that a majority of the unskilled workers come from remote places like Chhattisgarh and Malda (West Bengal).

I learned that the Institute's denial of the fact that migrant workers are employed within its premises is having a devastating effect upon them. In the meeting[10] that I had with workers on September 9, 2010, they informed me that since these migrant workers, who were forced to live outside IIT campus in rented places now, were finding it difficult to arrange even the food for their families due to the denial of their legal minimum wages and the eviction by the Institute from the campus premises.

3.5. Worker Safety

One of the most ubiquitous sights at IIT Kanpur is the workers working without any safety equipments such as hats, masks, boots, gloves, protective glasses etc.[22, 26] Just a casual walk around the campus, especially close to a construction site or a sewer duct being worked upon,



would make anyone realize how little human life is valued. Construction workers could be easily seen walking high on the scaffoldings without any protective measures, working barefoot in the middle of pointed objects and rusted metals, without masks around air filled with cement particles and asphalt materials.

I learned that Sewage workers work bare bodied even up to 20 feet underground without any helmets, masks, uniforms and safety belts.[31] Even the present chair of the MWMC, otherwise upbeat about the overall progress, had to admit a serious lapse regarding the safety aspects of sewage workers. He admits, “This is serious lapse. Safety is an issue we have not tackled yet.”[7] Hamara Manch meeting, attended by more than 200 workers, also conveyed to me that the only ‘equipment’ Sewage workers have is a long stick which they have been advised to get themselves from the Institute nursery.[20] During their work, these workers often encounter venomous snakes and scorpions, bees and wasps that reside in the sewer ducts. Potential hazardous gases such as methane are also found sometimes in those enclosed spaces. As per law, for the worker safety, when a sewage worker goes underground, there should be one person waiting outside at the manhole in case of emergency. Sewage workers, however, are denied even that protection.

I learned that for the workers involved in cleaning and sanitation works too, there is total lack of safety equipments and proper training about the use of chemicals and their antidotes. The consequence is that the cleaning agents and their fumes often cause breathing difficulties, fainting spells and irritation in sensitive parts. They do not even have first-aid kit available in case of an accident.[20]

Workers employed in horticulture also face unavailability of safety equipments, though their works involve dealing with snakes/scorpions, the danger of electric shocks when working in wet grass, potential accidents by the sharp spades or broken machine blades, etc. In addition, these workers are often asked to work alone at night even in extreme winters without any protection. Two workers have died over the last couple of years under these circumstances as a result of exposure / hitting their head after slipping on wet ground. Other workers doing electrical maintenance and mess work also have to live with miserable safety conditions.[20, 22]

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



[Page 20 of 38](#)

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

Since 2007, IITK community has kept track of accidental deaths and injuries to workers. Five workers have died and three have been seriously injured, one becoming quadriplegic.[2] It appears to me that most of these deaths/injuries could have been avoided if proper safety measures, workers training, and health facilities were provided.

The Director claimed that there has been “significant improvement“ in the last 2-3 years. In the meeting with IWD officials[9], one engineer stated that “80% to 90% wear them [boots] except for breaks at work; 25% wear full time.” Regarding safety issue, the Institute officials stated that the workers themselves make excuses to not wear shoes, gloves and helmets. The MWMC Secretary, stated, “Workers do not like to wear them, they try to find excuses not to wear, they say they feel hot, or that they have headaches, they even damage the helmets.” To which Superintendent Engineer IWD added, “They wear it when they know we would be visiting, otherwise they find it too much of trouble.” On this narrative, there seems to be complete agreement among the administration as the Director also said “. . . we have bought 300 helmets and shoes. What can you do if workers refuse to wear helmets and shoes? We can insist but the workers take them off.”[8] It was sadly left to me to point out to the institute officials, what they should know in the first place that it was the employer’s responsibility to provide training and proper safety procedures. Even then the Director blamed the low level of education prevalent in the state of UP and different background and different culture the workers come from. When I asked the workers if they in fact decline using safety equipment, they laughed, and answered my question by asking why they would be opposed to their own safety. While I did not see workers with safety gear on construction sites in UP, but I did see the road construction workers in Kanpur wearing both hard hats and boots later on as I travelled by road to Lucknow.

By the Office Order of Sept 16th 2007, IITK constituted a ‘Safety and Best Practices Committee’ which provided all the guidelines for a better safety mechanism in its report.[22] When asked about the steps taken to implement the recommendations of the report, the Director took personal offense, “I do not report to the committees, if you want to interrogate my conduct, you should institute a court of inquiry.”[8]

My conclusion is that IITK officials, very much focused on technical education, are either not sufficiently aware of the responsibility and the role Institutions play in social reform, or ignore it to save themselves the effort to intervene in these situations, as they do not identify themselves with the lives of the contract workers.

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



Page 21 of 38

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

The Employees' State Insurance (ESI) Act, 1948 exists to protect the interest of workers in contingencies such as sickness, maternity, temporary or permanent physical disability, death due to employment, injury resulting in loss of wages or earning capacity. The Act also guarantees reasonably good medical care to workers and their immediate dependents. The employees contribute 1.75% of their wages and the employer 4.75%. IITK is responsible to ensure that contractors are depositing these contributions with the ESI Corporation.

The Director informed me that, "Health and PF facilities are now available to ALL the workers." [8] Superintendent Engineer IWD however said that, "1000-1200 ESI cards have been issued," [9] which would cover less than half of the workers. The Chair of MWMC commented, "I don't like unreasonable activism. I'm against it because ESI/EPF/minimum wages are all taken care of." [7] The *Communiqué* [5] claims, "All contractors have been directed to implement its (ESI) provisions, with the exception only in respect of construction workers." Please note, directing the contractors does not mean they have actually implemented it.

I was also told by the Director that, "Clear cut instructions have been given that everybody should be provided treatment in emergency at the Health Center." [8] When asked if the instructions were provided verbally or in writing, he said, "I do not remember." However, I learned that written orders [19], dated June 7, 2010, were issued to the effect that the sanitation workers cannot collect dry twigs or pluck mangoes or sleep even during their lunch hour! How is it that there are written orders to deny minor benefits of public property to the workers but at the same time safeguard their very lives in an emergency, the director cannot recall, nor did the institute provide me with a copy of a written order. My conclusion is that the officials have no commitment whatsoever towards workers safety and their well being, and that no such orders has been given to the clinic nor the contractors or workers were informed of it.

My conversation with workers [20] led me to the following understanding:

- (1) Contrary to the conflicting claims made by the Institute about the number of ESI cards issued, most workers do not have ESI Cards.

- (2) To further increase their profits, the contractors deduct Employee contribution towards ESI from ALL workers but provide no receipt or account details. Employer's contribution is made on behalf of few workers and they are the ones who are registered with ESI. All workers contribute to ESI scheme but ALL do not get the ESI coverage that they are entitled to by the law.
- (3) Even if the ESI contribution is deposited with proper authorities, workers are not sure if it is deposited in the name of the actual worker. In some cases, it was found that this money is credited in the name of some person who actually does not work at the Institute. Investigation regarding an official IWD worker list revealed that for a particular contractor only a handful out of large number of workers listed were working in actual fact.[12] Many similar cases of 'Ghost Workers' exist in the case of EPF contributions (see next section).

Migrant workers (even though institute denies there are any) are especially vulnerable in this respect.[23, 26, 27, 28] They have no identification cards and little knowledge about the town to which they have been brought to work. ESI hospital is too far away to be of any use for the workers. It is noteworthy that many contractors working on the campus were not even licensed as contractors till the end of year 2009. Yet ESI / EPF has been deducted from workers' wages since January 2008 and in several cases many years prior to 2008. Without registration, these funds could not be deposited to proper accounts, so where did all this money go? My conclusion is that this lack of accountability indicates fraud that needs official investigation.

ESI account details have not been provided by the Institute, and given all the other irregularities that have been observed, the workers need proof of this account, not a casual verbal statement. Even if Rs. 2.15 crore has been deposited, it is of no use to the workers as the workers say they do not have ESI cards and the ESI hospitals are far away from the campus. My conclusion from this is that in the name of ESI, contractors have found another way to enrich themselves while the Institute conveniently claims to be following the law.



HOW MUCH MONEY SHOULD HAVE BEEN IN THE ESI ACCOUNT?

If, as the Director said, 2000 ID cards have been issued and all are paid legal minimum wages, our rough estimate, using Rs. 200/day average wage and 25 working days per month, the monthly wage bill for contract workers would accrue Rs. 1 crore per month (ten million).

A 1.75% of employee's and 4.75% of employer's contribution towards ESI will result in a Rs. 6.5 lakhs per month deposit in the ESI accounts of these workers.

The institute claims that ESI contributions have been made for ALL workers since January 2008. As of October 1, 2010, the total amount in the ESI fund should thus have added to Rs. 2.15 crores.

(Note: The current minimum wage for unskilled workers for Central Government institutions in Area-A, which is Kanpur, is Rs.224 per day (US \$ 4.50 approximately)).

Figure 3.1 ESI box

3.7. Workers Provident Fund (EPF)

Employees' Provident Funds (EPF) and Miscellaneous Provisions Act, 1952, requires that the principal employer (IITK) enroll all categories of employees including the employees engaged by or through contractors and also piece rated/hourly rated employees in the EPF system. Under the EPF System, employees and employer contribute 12% of basic wages + DA by 15th of the following month.



The Director claims that, “Health and PF facilities are now available to all workers.”[8] First of all, by his own statement, the Director is saying that these were not previously available to the workers. If true, this is illegal denial of worker social security. Secondly, such facilities being available does nothing if the actual worker is not provided a proof of deposit and account balance, because fraud is likely the real reason for its absence. Here is why this conclusion is reasonable:

- (1) IITK has not ensured that contractors are depositing both sets of contributions to the EPF Commission. A case in point is workers at Visitors’ Hostel (VH).[21] Workers have been working at VH from anywhere between 7-14 years without any EPF. Contractor M/S Vihar Aahar, who managed VH, had deducted EPF from workers wages several years before 2008 but could not produce any evidence that it deposited either employees’ or employer’s share to EPF Commission. Assistant Registrar Legal assured me that if the EPF money is not forthcoming from the contractor, the Institute will pay it to the workers. If true, that is welcome news. However, even if the Institute ultimately pays, there is no guarantee that affected workers would be there to collect it, as they may have been forced to migrate due to the work ending or they being fired by the contractors. The Registrar also assures me, “Yes, it would be deducted. But the workers do not want their EPF to be deducted.”[9] And why would workers trust their PF being deducted when they do not get any receipts or account details for the money they have contributed and when it is difficult to get the money out even if one has proper documentation? DRPG himself noted, “I know PF Office is very corrupt, it is difficult to get money from there.”[9] The situation is worse for Migrant workers [23, 26, 27, 28]; their place of residence is not the same as the place where EPF contributions are allegedly being deposited. Therefore, in all likelihood they will never be able to get their money back.
- (2) Workers have also told me that they do not have receipts for their contributions nor do they know their account balances.[20]
- (3) In many cases it has been shown that actual account holder is different from the one who is contributing.[12]
- (4) EPF contribution is deducted from a larger number of workers while EPF account is opened for few.[20]



HOW MUCH MONEY SHOULD HAVE BEEN IN THE EPF ACCOUNT?

If, as the Director said, 2000 ID cards have been issued and all are paid legal minimum wages, our rough estimate, using Rs. 200/day average wage and 25 working days per month, the monthly wage bill for contract workers would accrue Rs. 1 crore per month (ten million).

A 12% of employee's and 12% of employer's contribution towards EPF will result in a Rs. 24 lakhs per month deposit in the EPF accounts of these workers.

The institute claims that EPF contributions have been made for ALL workers since January 2008. As of October 1, 2010, the total amount in the EPF fund should thus have added to Rs. 7.92 crores.

(Note: The current minimum wage for unskilled workers for Central Government institutions in Area-A, which is Kanpur, is Rs.224 per day).

Figure 3.2 EPF box

- (5) The *Communiqué*[5] claims that, “Work is awarded only to those contractors who are registered under the EPF and ESI Acts.” However EPF/ESI registrations are recent while several contractors have been working in the IITK campus without any license for well over a decade, with some of them deducting EPF from workers’ wages for several years. Since IITK itself was not registered under the Contract Labor (Regulation and Abolition) Act, 1971 until 2007, how then could the contractors have been licensed to work at the IITK campus? Ignorance of the law is not a justifiable cause for even a private individual to break it without appropriate punishment. How then can an institution funded by public money be permitted this?

EPF account details have not been provided by the Institute to us or the workers. Workers have said that they do not have EPF cards, despite the claims of the institute officials. I find it impossible that all the workers would lie on this issue; after all, what is there for them to gain by it? In the absence of accountability I can only reach the conclusion that in the name of EPF, contractors have found another way to illegally enrich themselves while the institute claims to be following the law. In fact, if the EPF cards have not been issued, then the institute may be guilty of shielding a crime.

3.8. Workers' Welfare Cess Account

The Building & Other Construction Workers' Welfare Cess Act, 1996, requires that a minimum of one percent (1%) Cess against the cost of construction be allocated by the employer to provide for workers' safety, health and welfare measures. In the *Communiqué*[5], the Institute proudly claims that, "...it has already started deducting the Cess at 1% from the bills of the building contractors and remitting the same to the (Workers Welfare) Board. A payment of Rs. 1,81,526/- has already been remitted to the Board on 28 June 2010." From this my conclusion is that Rs. 1,81,526 is the final balance in the account.

A paltry sum of Rs. 1,81,526 @ 1% of construction cost deposited towards Workers' Welfare Cess would be the result of construction worth Rs. 1.81 crores. It is hard to believe that since 1996, when the Act passed, IITK has engaged in less than Rs. 2 crores of construction projects! The fact that IITK has been involved in construction works surpassing 2 crores has been admitted by the administration itself. In a reply[32] given by IIT administration to RTIs[32] filed seeking information with respect to the report submitted by the committee[16] constituted by the Office Order, dated October 23, 2007, to look after the complaints about partial recovery of wages paid to the contract laborers by certain contractors, it was informed that around Rs. 25 crores of construction contracts have been awarded to two firms. Therefore, it must be assumed that at least Rs. 25 lakhs should have been deposited to the cess account.

The Contract Labor (Regulation and Abolition) Central Rules, 1971, in Chapter V titled, Welfare and Health of Contract Labor, provides the specifics of amenities to be provided to contract workers. These include: Rest-rooms, Canteens, Latrines and Urinals, Washing facilities, First-Aid facilities, Crèches, etc.

The law also states that if any amenities required for the benefit of the contract labor employed in an establishment is not provided by the contractor, such amenities shall be provided by the principal employer. All expenses incurred by the principal employer in providing the amenities may be recovered by the principal employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

IWD officials in the meeting with me emphasized that there exists crèches on the construction work sites; that workers are being educated how to avail these facilities; and first-aid kits fully in accordance with the laws have also been arranged.[9] An observation made by the labor officials in their report dated March 10, 2010, “First aid box, latrines and urinals etc are not provided for the use of workmen by all the contractors,”[11] rejects the claims made by the administrators.

Here is what I learned from the workers[20]:

- (1) There is no canteen or rest area provided where the workers can eat lunch and / or rest during lunch time. When the workers find their own eating place near the locations where drinking water is available, they are often stopped from eating there or drinking water by security personnel. Mess workers are not even allowed to eat on the tables after everyone has been served.
- (2) There are no restrooms or toilet facilities even for women workers who are cleaning the roads / open areas. When a couple of these women were resting in the shade during their lunch hour, they were ‘caught’ by an Institute administrator who photographed them and then accused them of dereliction of duty because they were ‘sleeping during working hours’.

- (3) A special circular[19] has been issued by the Institute for sanitation workers which prohibits them from eating at their workplace, talking or sitting with any other worker at the workplace (even during lunch time), and authorizes supervisors / institute officials to take any action necessary against the workers who violate these rules.
- (4) There is inadequate food supply for mess workers even though money is cut from their wages for the food they receive. Mess workers told me that any food they do receive is dependent on the leftovers after guests have finished eating; no extra food is actually prepared for the workers.
- (5) There are special provisions for the accommodation of migrant workers in the law which is not being followed. In fact, the institute denies their very existence on campus in spite of their visible presence to all. [23, 26, 27, 28]

3.10.

Punishments

On the one hand the administration doesn't miss any chance to punish and intimidate workers, but on the other hand the contractors are not punished even after number of evidences.

- (1) June 15, 2010 Circular empowers contractors to fire workers at will for no reason and without any due process.[6]
- (2) M/s Vihar Aahar, against whom between May 2004 to Mar 2007, 5 complaints of physical violence, 17 of wage denial or partial wages taken back, 6 of arbitrary firing without any due process, 4 of attendance tampering, 9 of contractual violations with regard to numbers and skill level of workers and 4 of problems in issuing ID cards were filed. It took the Institute 6 years and constant pressure from the community to finally punish them in 2010 by denying them further renewal for the contracts. It is the same contractor who also ran away with workers' EPF.[25]

- (3) On 31st March, 2010 evening, 16 workers in Visitors Hostel (VH) were informed that their services were no longer required. This happened as the new contractor took charge of VH after the contract of M/s Vihar Aahar expired. Without any prior notice the workers, 7 of whom were working for more than seven years, were told to leave. It was only after workers, community members and the permanent employees showed tremendous solidarity and resistance that all of them were reinstated. June 15, 2010 Circular was in a way a message to this resistance.[21]
- (4) Three workers from the Hall 7 mess were fired without any notice or reason on July 2, 2010. Not even a formal letter of termination was issued; the workers got the news either orally or through second person.[18]
- (5) Piles of information/complaints/investigative reports compiled by the MWMC and its volunteers in the years between 2000 and 2007 are available on a number of contractors against whom the Institute has taken no action, except, of course, granting them more contracts on campus. Even in the case of the Environmental Building labor dispute, where the Institute's own committee found the contractor guilty of withholding and taking back wages from workers, the Institute took NO action against the contractor; in fact, soon after, the same contractor was given another building contract for several crores of rupees, and this contractor continues to work on campus to while the complaining workers have been fired.[15]
- (6) The punishment to the worker takes various other forms. One of them is 'Baithiki', a temporary forced suspension. A firm given contract for the horticultural work is known to be very harsh in punishing the workers in the form of 'baithiki'. Five minutes delay in work can lead to 'baithiki' for 4-5 days. Arguing against it can increase the duration of the suspension. Using the toilets during working hours can also cause to 'baithiki'. Workers don't even complete their full 26 days of work as often they are victims of the whims of the contractors, who are in constant search to look for the pretext to give the workers 'baithiki'. That the contract workers can be asked not to work without notice or due cause is in my opinion a violation of the intent of the law protecting the contract workers, since these workers only earn what is a bare minimum of living wage when working full time for a month.

Introduction

Background

Summary of Findings

Recommendations

Acknowledgement

References

Title Page



Page 30 of 38

Go Back

Full Screen

Close

Quit

- (7) Workers report that they are discouraged to talk with one another; specific instructions are given not to talk to Samiti workers since they are better organized and considered as influential in putting wrong ideas into the heads of the workers.[20]
- (8) The contractors and the Institute officials have also been seen ‘disciplining’ the workers by denying them access to the common space of the Institute, which should ideally belong to everyone working and residing in the campus. On 7th June, 2010, one notice was issued which prohibited all sanitation workers within the premises of the academic area and the hostels from taking lunch, sitting with other workers, being seen in any place other than their workplace, collecting dry twigs, plucking mangoes or sleeping during lunch hours at the workplace.[19]
- (9) Using fear, intimidation and other power mechanism, the contractors and institute officials have also been observed to force the workers to do petty domestic chores without any compensation such as using the gardeners in their personal quarters. Contractors also at times use workers as uncompensated drivers for their personal vehicles or work on sites other than at the institute.



4 Recommendations

WHAT CAN ALUMNI DO?

Given the long history of abuse of the contract workers at the IITK campus and as responsible citizens of the larger IITK community, the alumni community needs to be very actively involved in monitoring the situation and providing support to the efforts by the workers and members of the campus community to correct this situation. My visit and this fact-finding report need to form part of an ongoing process of alumni engagement with the contract workers issue at IITK. Some of our suggestions for such continuous involvement include:

- (1) Signing the online petition to STOP Violating Contract Workers Rights at IIT Kanpur. http://www.ipetitions.com/petition/contract_worker_rights_iitk/.
- (2) Writing letters to the Director at sgd@iitk.ac.in to implement recommendations of this report.
- (3) Writing letters to alumni friends and encouraging them to sign the online petition and write letters to the Director.
- (4) Developing mechanisms to follow up on this report through initiation of feedback processes from the Institute, further fact-finding missions and / or visits by growing numbers of alumni to IITK campus where through speaking with workers and engaged community members, they can ascertain the situation for themselves.
- (5) We also welcome other suggestions from alumni regarding ways in which we can further our involvement and make our voice stronger in effective protest against the ongoing violation of contract workers' rights at IIT Kanpur.



WHAT CAN INSTITUTE DO?

To the IITK administration, we recommend a series of measures that will concretely show their active commitment to, and not just paper evidence of, improving the contract workers' situation on campus. Immediate tasks that the institute needs to undertake in this respect include:

- (1) Immediate retraction of June 15, 2010 Circular that has given powers to contractors to fire any worker they wish without recourse to grievance process. Its provisions are illegal, inhuman and further contribute to systematic oppression of workers who are vital to the Institute's functioning.
- (2) Creation of comprehensive worker lists (with photos) and lists of ESI/EPF documentation for workers, both of which could be put up in the public domain through the Institute website and notice boards.
- (3) Implementation of safety measures, including training of workers in use of safety gadgets as well as first-aid materials, in consultation with workers and with feedback mechanisms in place to ensure that the safety measures meet the needs of the workers.
- (4) Provision of Basic Amenities to Workers as required by the law. Since contractors have failed to provide basic amenities, the law empowers Principal Employer (IITK) to provide those amenities and deduct the cost from contractors' bills. IITK should use this power immediately.
- (5) Since ESI hospitals are far away from campus, IITK should provide Health Care facility where workers are housed. Funds from Workers Cess could be used to run the healthcare facility and school for their children (also a desire expressed by the Director).

At a systemic level, the Institute needs to create a workplace atmosphere that is free of fear and intimidation for the workers. Towards this end, I recommend the following measures:

- (1) Formation of a new Contract Workers Rights Committee (CWRC), replacing the current MWMC, with a mandate in writing to create mechanisms for giving a voice to workers,



allowing for active consideration of their feedback in all measures related to them and providing a system for grievance handling that includes due process. This committee needs to be an independent one made up of community watchdogs and with representation from all concerned constituencies including workers and users. The representatives from the institute (be it faculty or other officials) should only include those who have shown no prejudice against the workers, who have general knowledge of the workers grievances, and who have no conflict of interest as regards the workers or the contractors. The CWRC should regularly file their updates, reports, observations and suggestions where they can be accessed by all members of the community including workers, alumni, students, faculty, staff and others.

- (2) Creation of mechanisms whereby IITK contributes to the economic development of its surrounding communities by offering employment to local youth. The formation of a Workers' Exchange[29] wherein all local workers are registered, and the insistence that all contractors hire workers primarily through this organization, would accomplish this goal.

The Institute, in fact, would go a long way in fulfilling its responsibilities with regard to contract workers and ensuring fair labor practices by implementing the provisions outlined in the Policy Document[30] prepared by the MWMC in 2006 and making the idea of a Workers' Exchange[29] operational.

Note: *The recommendations noted above were developed after much discussion and represent a consensus reached upon by the following alumni, all based in US/Canada: Raj Sahai (1966 Batch), Ashok Gupta (1972 Batch), Sushil Handa (1966 Batch) and Amit Singh (2005 Batch).*

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



Page 34 of 38

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

5 Acknowledgement

I appreciate and thank Dr. Sanjeev Aggarwal, DRPG, for arranging all the meetings and thank Dr. S. G. Dhande, Director, for meeting with me and arranging for my meetings with other officials of the institute. I would also like to thank other officials, faculty, and students for meeting with me and providing me with their insights on workers' issues. However, my greatest thanks are owed to the workers, of whom more than 200 gathered at Valmiki Mandir for the Hamara Manch meeting. Some of them came from as far away as Lucknow, and some traveled 20 kms by bicycle, to share with me their stories at a great personal risk of being retaliated against by the contractors for just attending the meeting. I also owe a debt to Dr. Shobha Madan for attending all the meetings, taking detailed notes, and the preparation of transcripts. Finally, I owe thanks to all the activists who both in the US and on the campus helped me and trusted me on this fact finding effort. I could not have prepared this report without their painstaking efforts.

Raj Sahai is a 1966 graduate from IIT Kanpur currently at San Francisco, USA. He visited IITK campus from September 8-10, 2010 for a fact finding mission on contract workers issue as a representative of over 1200 alumni who signed the petition, "STOP Violating Workers' Rights at IITK[4]". He can be reached at <raj_sahai@comcast.net>.

6 References

- [1] Government of India Definition of Contract Workmen
<<http://labour.nic.in/annrep/files2k1/lab10.pdf>>
- [2] Deaths and Injuries to Workers at IITK
<<http://sites.google.com/site/iitkcitizensforum/workingconditions/deaths-injuries/>>
- [3] Various Letter and Petitions from Citizens and Alumni
<<https://sites.google.com/site/iitkcitizensforum/petitions/>>
- [4] Petition Signed by 1200+ Alumni “STOP Violating Contract Worker Rights in IITK”
<http://www.ipetitions.com/petition/contract_worker_rights_iitk/>
- [5] An Unsigned, Undated Communique from IITK to Selected Alumni
<https://sites.google.com/site/iitkcitizensforum/communique_24Aug10.pdf?attredirects=0/>
- [6] June 15 2010 Circular from the Director
<https://sites.google.com/site/iitkcitizensforum/circular_15june10.pdf/>
- [7] Transcript of Mr. Raj Sahai’s Meeting with the MWMC chairperson & Assistant Registrar Legal
<<https://sites.google.com/site/iitkcitizensforum/home/fact-finding-visits/>>
- [8] Transcript of Mr. Raj Sahai’s Meeting with the Director
<<https://sites.google.com/site/iitkcitizensforum/home/fact-finding-visits/>>
- [9] Transcript of Mr. Raj Sahai’s Meeting with the Institute Word Department (IWD) officials
<<https://sites.google.com/site/iitkcitizensforum/home/fact-finding-visits/>>
- [10] Transcript of Mr. Raj Sahai’s Meeting with some faculty, students and workers
<<https://sites.google.com/site/iitkcitizensforum/home/fact-finding-visits/>>

Introduction

Background

Summary of Findings

Recommendations

Acknowledgement

References

Title Page



Page 36 of 38

Go Back

Full Screen

Close

Quit

- [11] Labor Commissioner Investigation Team Report
<<http://sites.google.com/site/iitkcitizensforum/hamaramanch/updates/17thmar2010/>>
- [12] Verification of Workers Who Are Actually Working VS Claimed to be Working
<<http://bit.ly/b0M5jd>>
- [13] Horticulture Report: Firing of a worker by contractor on September 17, 2010
<<https://sites.google.com/site/iitkcitizensforum/workingconditions/worksite-condition/horticulture-contracts/>>
- [14] 2004 and 2007 Terminal Report of MWMC Chairs
<<https://sites.google.com/site/iitkcitizensforum/mwmc/>>
- [15] Environment Building Report
<http://sites.google.com/site/iitkcitizensforum/institute-policies-and-actions/envn_bldg1_dec07.pdf?attredirects=0/>
- [16] Partial Recovery of Wages Report in Environmental Building Case
<<http://bit.ly/9UDpbS>>
- [17] Comprehensive Office Order on Contract Workers' Welfare September 16, 2007
<<http://sites.google.com/site/iitkcitizensforum/institute-policies-and-actions/>>
- [18] Firing of Hall 7 Mess Workers on July 2, 2010
<<http://bit.ly/d6Hnoy>>
- [19] Notice to Safai Karamcharis, June 7, 2010
<http://sites.google.com/site/iitkcitizensforum/hamaramanch/updates/notice_safaiKarmchari.pdf?attredirects=0/>
- [20] Presentation by 'Hamara Manch' to Mr. Raj Sahai
'Hamara Manch' is a forum primarily of workers, where various kinds of workers in the campus, like those with contractors in construction, sanitation, mess and other daily wage workers along with self employed workers – like rickshaw wallas, dhobis, thela wallas, vendors, come together to collectively address their issues at work. For more info on Hamara Manch, please follow an article, [Hamara Manch - A Forum for Unheard Voices](#), published by IITK campus newsmagazine, 'Eyes'. <https://sites.google.com/site/iitkcitizensforum/home/fact-finding-visits/presentations_hamara_manch.pdf/>

[Introduction](#)

[Background](#)

[Summary of Findings](#)

[Recommendations](#)

[Acknowledgement](#)

[References](#)

[Title Page](#)



Page 37 of 38

[Go Back](#)

[Full Screen](#)

[Close](#)

[Quit](#)

- [21] Firing of 16 workers from Visitors Hall who were later reinstated
<<https://sites.google.com/site/iitkcitizensforum/workingconditions/worksite-condition/vh/>>
- [22] Safety & Best Practices Report
<<http://sites.google.com/site/iitkcitizensforum/institute-policies-and-actions/>>
- [23] Eye-Witness Account of Campus Visit of Labor Commissioner on May 7, 2010
<<https://sites.google.com/site/iitkcitizensforum/hamaramanch/updates/7thmay2010/>>
- [24] Hamara Manch Updates dated 22 Oct, 28 Oct, 4 Nov and 20 Nov, 2009 on Migrant Workers
<<https://sites.google.com/site/iitkcitizensforum/hamaramanch/updates/>>
- [25] MWMC Volunteer Reports on M/S Vihaar Ahaar, 2007
<<https://sites.google.com/site/iitkcitizensforum/mwmc/>>
- [26] Migrant Workers in Hall X construction project, August 2010
<<http://bit.ly/bulyvl>>
- [27] Complaint of Migrant Workers at IME Building, 1st Oct, 2009
<<http://bit.ly/adMo1I>>
- [28] Photograph of Migrant Workers being transported from Campus, October 10 2010
<<http://bit.ly/9GQgez>>
- [29] Workers' Exchange
<<http://sites.google.com/site/iitkcitizensforum/proposals/>>
- [30] Policy Document
<<http://sites.google.com/site/iitkcitizensforum/proposals/>>
- [31] Unsafe work conditions for Sewage Workers
<<http://bit.ly/9aoJ3O>>
- [32] RTIs seeking information with respect to the report in Environment Building case with the Institute reply
<<https://sites.google.com/site/iitkcitizensforum/rti/>>

