

Interim Fact Finding Report On

Labour Problems of Uranium Corporation of India Limited

June 12-14, 2008, Jamshedpur, Jharkhand

The three member team consisting of Dr. Ghanshyam Singh, Legal Activist and Former Chairman of Minimum Wages Advisory Board, Dr. R.S. Tiwari, Former Labour Commissioner and from Centre for Education and Communication, and Ms. Sunila Singh, a Human Rights Activist from People's Watch, conducted fact finding from June 12-14, 2008, to inquire in to the following aspects of the terms of reference given by Jharkhand Mines Area Coordination Committee (JMACC), (see Annexure A). JMACC focused Terms of Reference (TOR) on grievances of 72 contract workers in Turamdih Mines of Department of Atomic Energy (DAE) through Uranium Corporation of India Limited (UCIL). For the convenience of the study the FFT broadly surmised the following five issues, which cover almost all the issues raised by JMACC and started their investigation to cover objective assessment of the situation existing at Turamdih Uranium Mines in particular and UCIL which comes under DAE in general.

These six issues are precisely put as:

- 1.** To examine the process of land acquisition of Turamdih farming communities, and also other surrounding villages, promises made and fulfilled, compensation claimed and dispersed, displacement of the villages, etc., as effected by DAE/UCIL and the role of the State.
- 2.** To find out the history of Adivasi workers' resistance and responses of Trade Unions, DAE/UCIL and the role of the State.
- 3.** To inquire into the violation of labour rights, Human Rights, Rights under labour laws and other Economic, Social and Cultural Rights with details, complaints and dispute raised and their outcome.

4. To inquire into the allegation of harassment to families, instituting false criminal cases, intimidation, false assurances and such other unfair labour practice by DAE/UCIL, the law enforcement authorities and the State authorities.
5. To understand the ramification of environment radiation in the area, impact on health of working people and on the population of the surrounding areas with possible hidden details like lapses in safety standards etc.

1. Introduction:

➤ This fact finding became necessary because of the continuous agitation by the rural population and unorganized contract workers of the area. These working people have been allegedly harassed by the management of the UCIL and the police by way of several illegal detentions and threats of severe actions which created situation of helplessness in about ten thousand working people, most of whom are Adivasis. Many Civil Society Organizations (CSO) and Trade Unions expressed their sympathies and allegiance to the cause of these oppressed and deprived lot of people. In view of the absence of any real help even by organizations of CSO it becomes more necessary to bring on record factual details and the ground level reality. Thereafter, the grievances could be taken to higher levels of authority, judiciary and to the National Human Rights' Institutions, and so towards appropriate action. The objective of this FFT is to come to know the ground realities and woes of the Adivasi.

➤ The fact finding team (FFT) contacted following authorities and persons for the comprehensive enquiry.

(i) On June 12, 2008 the team contacted and interacted with Shri Rajasai Shore, Vice President, and Shri. Raja Ram Singh, General Secretary of Uranium Kamgar Union (IFTU) which is having a membership of 1900 regular workers. FFT also heard Advocate Phudan Murmu, President of Jharkhand Organization of Struggling Humans (JOSH), a human rights organization.

(ii) On June 13, 2008 the team met Shri Ganesh Kumar, Sub Divisional Officer of

Dhalbhum, Jamshedpur; Mr. R. Gupta, the Chairman cum Managing Director; Mr. P Mohanti, Administrative officer' and K. Mahali , GM Personnel, of UCIL.

(iii) FFT also met villagers of Tuar Doongri, a village of displaced people since 1959-60, having a population of 125 people of 25 families, and inquired in to the displacement and rehabilitation issues from more than ten persons.

(iv) FFT also visited the site of the *dharna* where 72 striking contract workers were sitting in front of the Turamdih Mines gate, and interacted with the sitting striking workers.

(v) FFT discussed the relevant issues with other 29 concerned citizens during the period of investigation.

2. Labour Rights:

(i) **Displacement and livelihood:** UCIL has acquired land through the State government at nine places; 120 acre from Banduhurang, 45 acres from Purihasa, 199 acres from Kerwa Dungri, 46 acres from Turamdih, 397 acres from Talsa, 219 acres from Nandup, 12 acres from NandupA villages. This team visited Tuar Doongri and during interaction with villagers who have been displaced, we found out that Shri. Shripati Patron and Shri. Chotu Urong have neither had any employment nor land for their settlement; these are just two instances in this small fraction _ there could be many more such instances. This is a clear violation of promises made by the UCIL management and their latest Rehabilitation and Settlement Policy approved by the Board of Directors in their meeting held on 26-12-2006. It was informed to us that there are five other villages that are in a similar situation. The FFT observed that these villages are also situated at zero point distance of the Uranium waste dumping ground, and so exposing all the villagers to severe radiation hazards. This area is otherwise prohibited from entry.

(ii)The FFT found that the management's claim, that of giving employment to at least to one family member of each displaced family, does not seem to be correct. It was reported that of the 11 displaced families of Uradhi village none could get any

employment. Similarly of the 13 displaced families of Nandup not one got any employment offer from the UICL management. The fact is that the rehabilitation policy has not been fully implemented, and this raises the grave question of the livelihood of hundreds of displaced villagers, who virtually have no means of sustaining livelihood. It was revealed that the compensation offered to the displaced farmers was negligible and could not buy alternative land, and some few compensation litigation suits are pending in the court.

(iii) Assurance and Fulfillment: Though, UCIL management had promised villagers adequate compensation and jobs for the displaced families, and the assurance of raising the issue of rehabilitation with the State government to ensure that displaced people get alternative land for their settlement, it was found that nothing has been done so far. It was found that neither had the management abided by their promises or by their rehabilitation policy, and nor had any alternative land been obtained through these promises nor rehabilitation attempted by the police or even any alternative land allotted by the State government. A large number of displaced persons are absorbed as contract labourers, who are denied wages and service conditions which ordinary regular workers in UCIL get.

(iv) Labour Rights: The FFT found that large number of contractors have been engaged in core production activities which are of a perennial nature. This is an unfair labour practice as per the Industrial Disputes Act, intended to deprive contract workers of the wages and service conditions of regular workers. These 5000 contract workers are also denied equal wages for equal work in violation of rule 25 (2) (V) (a) of Contract Labour Regulation Abolition Central rules (CLRA). In the course of an interaction with the team the CMD of UCIL admitted that by giving rights of equal wages and equal service conditions to these contract workers, the DAE management will have to incur an additional expenditure of about 12 hundred crore rupees which requires the approval of the highest functionary of DAE and in his opinion this huge expenditure, at this stage is

beyond the capacity of management to bear. The FFT found that the striking 72 worker of Turamdih Construction Private Limited are struggling for their labour rights and somehow they have successfully achieved the right to organize and the right to collective bargaining, but they are continuously being harassed by the management, intimidated by the State police and administration in various ways.

These workers are struggling to get their right of regularization, right to equal wages, and service conditions for equal work being performed by regular employees. The DAE/UCIL earlier regularized 43 workers in 1992-93 leaving 72 workers for future absorption. Later on under a globalization policy, the policy of absorption of contract labour was given up. The labour department of the Central Government continuously avoided seizing the matter in conciliation. The FFT was pained to find that the functionary of the labour department of GOI represented at the local level by ALC (Central) and LEO (Central) avoided meeting the team and they remained insensitive to the ongoing struggle. The ALC took cognizance of the complaint of these 72 workers, held conciliation meetings, but later closed the case without submitting any report to the government under ID Act. The RLC Dhanbad did not intervene on the ground that their organization is not a trade union. The representatives of local trade union organizations as a team met and apprised the public of the inequity and expressed their solidarity with the striking labour of Turamdih mines. Despite such a grave situation re labour standards in the area, the role of authorities and organizations remained deplorable. This shows an insensitive attitude to labour rights.

One advocate, Shri Phudan Murmu, President of Jharkhand Organization of Struggling Humans, has been continuously supporting these struggling contract labourers, by raising the issue before various authorities and judiciary.

3 A. Human Rights violation:

(i) The UN Committee on Economic, Social and Cultural Rights while extending the scope of convention on human rights emphasized the necessity of protection of

indigenous people, socially deprived classes and minorities and recommended adequate action from signatory states. The performance on this aspect by the Government of India has recently been considered highly inadequate. The UN instrument is binding under article 25 of the Constitution of India, and the government is bound to implement it. There are many international commitments including the ILO convention which the government ought to respect and implement. Besides, the directive principles and the fundamental rights of the Constitution of India and our labour laws prescribe for a decent standard of life along with the right to life. In this context the FFT is constrained to observe that these Adivasi workers are deprived of all human rights and standards.

(ii) During FF it was revealed that harsh words and tones used by the management, the police and state government authorities, were an attack on the dignity of the working people. On several occasions the representative of the workers were detained illegally by the police. Many workers were reportedly given threats forcing them to disassociate with the striking workers, and cases came before the FFT where the families of the agitating workers were harassed if their family members in any way got themselves associated with the agitating workers.

3 B. A specific case of illegal detention in police custody:

FFT in its course of FF found that Master Arjun Samad who is only 17 years old and actively involved in mobilizing the workers since 2005 has been illegally detained in police custody thrice, for no fault of his. This was in order to make him silent and to break his morale and self-esteem. On July 31, 2007 Arjun was informed that he has been asked to report to Sunder Nagar police station. Accordingly he went to Sunder Nagar PS on August 1, 2007. Later he was moved to Sid Gora PS, and there he was taken into police custody without any charges. However, the police record does not indicate the arrest, but the case has been framed on August 3, 2007, based on the complaint lodged by Ms Maya Sore of August 4, 2007, under Sec 364/311 of IPC, but he was kept in the custody of police from August 1-5, 2007. Again Arjun was taken into Sid Gora police

custody on January 23, 2008 at 1:30 p.m., without any warrant after the tripartite discussion that was held between the management, the SDO and the striking workers. He was detained in the custody for three days. Later he was produced before the Chief Judicial Magistrate on January 26, 2008, and thereafter he was sent to a remand home for forty days without any charges. The team was pained to find a lot of discrepancies in the whole process of the detention of Arjun. The FFT while interacting with the SDO in his camper on June 13, 2008, brought this fact to his notice on which he expressed his ignorance of the police atrocities, and he directed us to contact Mr. Ashok Kumar Sharma DGM, to get the details. However we were not able to obtain the records, nor the GD or case diary available in the PS. Throughout these two confinements in police custody Arjun was constantly intimidated by the police to get a confession on the murder of Nirmal Soren and Vinod Sundi. In this matter the guidelines of NHRC, D.K. Basu and JJ Act have not been adhered to.

Arjun made a private complaint to NHRC on January 26, 2008. NHRC has registered the case __ the number is 1440/34/6/07-08. During the last one and half year Arjun has been approaching various organizations, lawyers and others including through private complaints to ST commission under SC/ST Act, for getting support and protection from acts of hostility of state authorities and the police, in which situation he feels that he has been trapped. FFT in the course of its investigation through a cross section of that society tried to ascertain whether Arjun is really having any criminal record and it came to know that he is innocent and has no involvement in any antisocial activities, and he is only a human rights defender.

4. Environment damage caused by radio active substances:

During the enquiry it was revealed that radioactive waste being dumped at Tuar Doongri village is causing serious health hazards to the villagers of the adjoining six villages of displaced persons. These villagers are Dungereh, Tilaitand, Chattikocha, Harijan Basti and Birulisai, which, are in the periphery of the dumping yard of the Uranium waste of

UCIL. In the course of our investigation we found that a few other responsible administrative functionaries of Daibhum, Jamshedpur were apprehensive of the fact that the Uranium waste of UCIL and the entire processes of mining and refining may damage the environment even to the severity of causing a massive health hazard. An activist of Jharkhand considers that the environmental damage may extend to an area beyond thousand kilometers giving the reference of certain unpublished reports and studies. This aspect of environment damage needs to be examined by an independent scientific investigation.

5. Conclusion:

The FFT made a detailed study and through investigation of the issues in hand, and for that made random survey of the peripheral areas of the Uranium Mines of this area in general and Turimb Mines and the Uranium Mines and Uranium waste dumping ground in particular and came to its conclusion that the Adivasis of these areas are deprived of almost all minimum human needs, and are prone to all sort of bad effects of radiation. This is also a gross violation of labour rights and human rights in respect of Adivasis and more than 4000 contract workers. The UCIL regularized 45 contract workers in 1992-93, but later on with the advent of a new economic policy it only created more contract labour and adopted an arrogant and recalcitrant attitude denying all labour rights, including the rights given by the parliament through labour laws. They defied even their own commitments and human rights prescriptions. By denying livelihood, employment and alternative place of living to the displaced farming Adivasi people a crime against humanity is very clearly visible.

Dr. Ghanshyam N. Singh Dr. R. S. Tiwari Ms. Sunila Singh

Date : June 14 2008

Place : Jamshedpur