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Support Group for Contract Powrakarmikas

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CONTENTS

1. **Background**
2. **The Powrakarmika struggle**
3. **Legality of demands**
4. **Workers and their conditions of work**
 - 4.1 **Wages paid and mode of payment**
 - 4.2 **Conditions of work and facilities at the workplace**
 - 4.3 **Regulation of work**
 - 4.4 **Living conditions**
5. **Interview with BMP Commissioner**
6. **Attempt to meet Bangalore Agenda Task Force (BATF)**
7. **CONCLUSION**
8. **DEMANDS**
9. **CHRONOLOGY OF EVENTS**
10. **ANNEXURES**
 1. **Labour commissioner office accepting the clarification letter**
regarding minimum wages (5/11/2001)
 2. **BMP issues order regarding minimum wages (13/8/2001)**
 3. **BMP issues order regarding minimum wages (14/12/2001)**

Background

The Bangalore Mahanagara Palike (BMP) is responsible for maintaining the city of Bangalore clean and beautiful. Nobody would dispute the fact that the BMP has been eminently successful in its endeavour. The city lives up to its name of the garden city of the country.

The task of keeping the city clean is truly enormous. Bangalore has been divided into over 140 health wards (and 86 packages), each needing between 50 to 100 cleaning workers (Powrakarmikas) to keep them clean. These workers are mostly dalits. Over 80 percent of them are women. Many are migrants to the city from other districts of Karnataka, and from neighbouring states. They constitute the backbone of the structure that keeps the city clean and beautiful.

In the early nineties the BMP decided that the task of keeping the city was too enormous for it to do on its own. It took the plea that subcontracting out the basic task of cleaning the city would increase the efficiency of the activity. Since then, there has been a progressive contracting out of the work of cleaning the city. Presently there are contractors operating out of over 80 wards, and employing around 6000 contract municipal cleaning workers.

The Bangalore Mahanagara Palike Guttige Powrakarmikara Sangha is a registered trade union representing contract municipal workers of the BMP. The Sangha has been carrying on a protracted struggle with the BMP for getting the contract workers their legal rights.

A Support Group for Contract Powrakarmikas was formed by various human rights organisations, autonomous groups and concerned individuals to support the Powrakarmikas and the Sangha in their struggle for justice. The Fact Finding Mission was constituted by the Support' Group to enquire into the details of the struggle, the legality of the demands made by the struggle, and the living and working conditions of the Powrakarmikas. This report is a result of an independent investigation carried out by the Fact Finding Mission.

The Powrakarmika struggle

The Bangalore Mahanagara Palike Guttige Powrakarmika Sangha has been carrying on a struggle on behalf of the contract municipal workers of the BMP for the last six years. It has employed various forms of non-violent struggles to make its demands known, and to seek redressal for the various forms of illegality in the employment conditions of the contract workers.

The present intensive phase of the struggle has been going on for the past six months. It has involved intensive mobilisation of workers from the different wards in the city. The Sangha focussed its struggle on the office of the commissioner of the BMP, being the principal employer of the contract workers. It held several large dharnas of more than a thousand workers outside the office of the BMP at the Bangalore Mahanagara Palike. The Sangha representatives submitted several memorandums to the BMP Commissioner and to the office of the Labour Commissioner.

The struggle concentrated on the issue of regulation of work of the contract employees. It demanded that all the employees had to be paid the statutory minimum wage for this category of work. The union said that the current wages paid to the workers was far below any statutory minimum wage. The wages paid to women was Rs.800-900 per month, and to men Rs.1000-1100 per month. As against this, the union claimed that workers should be paid minimum wages of Rs.71.80 per day, or Rs.2146 per month of 30 days. In a clarification to the union, the Labour Department had issued a memo dated 31-10-2001 that the Gazette Notification number SKK 25 LMW 88, dated 27-11-1993, specified a minimum wage for all workers employed in road building and maintenance, and construction of buildings. The Notification included sweepers and scavengers. As per this, the current minimum wages for that category was Rs.71.80 per day.

The union also demanded recognition of the workers and safeguard of their work through issue of identity cards and pay slips. It demanded that the BMP officials should take steps to prevent any form of harassment at the work place and to ensure that conditions of work are regulated as per the guidelines issues to the contractors in the tender documents. In order to strengthen the struggle the union also raised a conciliation process with the Labour Department. It went around the wards collecting for the first time personal details of the workers, for submission to the Labour Department for the conciliation process.

As a result of the struggle and the discussions, the BMP Commissioner made public statements before the workers sitting on dharna that they would be paid minimum wages as per the norms applicable to construction workers. He passed an order, dated August 13, 2001, requiring payment of minimum wages with immediate effect, and explicitly stating payment by cheque.

The struggle reached a crisis with the workers from around forty wards refusing to accept payment at the existing rate for the months of November and December, 2001. The new contracts of the BMP had been executed from the month of November, and the workers had been hopeful because of the assurances of the BMP Commissioner that they would be paid wages according to the Minimum Wages Act with the commencement of the new contract. The workers resisted threats by the contractors to abandon the contracts, and inducement of enhancement of the wages by Rs.100 per month. As of date, around a thousand workers from twenty wards are still holding out, without accepting wages for the two months.

The BMP Commissioner passed another order dated December 14, 2001, confirming immediate payment of minimum wages. The other substantive issues addressed in the order including: payment of wages by cheque/ cash; notification of a fixed time and place in each ward for payment of wages; the presence of senior and junior health officers of the BMP to oversee the payment of wages; health officers and other staff of the BMP to ensure that the contractors behaved properly with the workers. The notification also stated clearly

that the salary for the month of November should be paid by December 18th. However, even the second order of the Commissioner could not break the status quo.

At the arbitration proceedings before the Labour Commissioner on January 17th, 2002 and attended by the BMP Commissioner and the union representatives, the Labour Commissioner revealed that as on the date the contract BMP workers were not included under the schedule for minimum wages. The whole process of their notification under the schedule, and fixing a minimum wage would have to be commenced from scratch. The Labour Commissioner said that his department would commence the process immediately. The immediate attempt then was to work out a compromise wage to be paid in the interim, while the process of notification for minimum wages carried on.

Legality of demands

Perennial nature of work : The first issue is of employment of contract workers for the job. The work is of a perennial nature. Under the Contract labour (Regulation & Abolition) Act, 1970, the government is empowered to abolish by notification employment of contract labour in an establishment where work carried out by the contract worker is necessary to the work carried out by the establishment and is also perennial in nature. In the context, the BMP went contrary to the spirit of the Contract Workers' (Regulation and Abolishment) Act in allowing contracting out of the work.

Wages to workers: The payment of wages to the workers at Rs.800-900 for women and Rs.1000 for men raises several issues of the law. First, the law (Article 14 of the Constitution and Equal Remunerations Act, 1976) specifies equal wages for equal work in the same establishment. In the city, permanent employees of the BMP also do the same work as undertaken by the contract workers. The permanent employees are paid upward of Rs.4000 plus various other benefits. This gross difference in wages for the same work in the same establishment is definitely contrary to the law. Further, Rule 25 of the Contract Labour (Regulation & Abolishment) (Karnataka) Rules, 1974 states that "in case where workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment the *wage rates, holidays, hours of work and other conditions of service of the workmen shall be the same as are applicable to workmen directly employed* by the principal employer of the establishment on the same or similar kind of work."

Minimum wages: The tender document for contracting out the municipal cleaning work clearly stipulates that the workers should be paid "fair and reasonable wages, which shall *not be less than the minimum wages* fixed by the government...". The responsibility for implementing this condition of the tender falls squarely on the BMP. The fact then is that the BMP was acting in a breach of its contract in not ensuring the fixation of a minimum wage. Also, employing workers at salaries grossly below the prevailing the prevailing stipulated minimum wage for similar work is tantamount to forced labour under Article

23 of the Constitution. The illegality is compounded in that it is an agency of the state government that is a party to this.

No regulation of employment: No worker is provided with a contract or any other proof of her/his employment as a contract employee. The union claimed that there were absolutely no procedures for disciplinary action, and the contractors dismissed workers at will, without assigning any reasons. There was no mechanism to redress any grievances. While health officers of the BMP were designated to visit the wards, and to regulate working conditions, the union claimed that visits were rare, and that the health officers did not perform any regulatory role.

There are several other issues of regulation of work that are currently being violated. The tender document stipulates as the contractor's responsibility, to provide: "medical aid and compensation"; "first aid facility at site"; "uniforms and badges ..."; "protective wherewithal like hand gloves and mask and also gum boots for lorry loaders...". The fact is that none of these facilities are provided.

The Contract Labour (Regulation & Abolishment) Act clearly provides for weekly holidays and other leave facilities. None of these are made available to the contract workers in this case.

Social security: The workers are not provided any social security benefits, including medical benefits, PF, etc. Given that the workers are predominantly women, it is significant that women are provided with no maternity benefits. In many

instances, women did not even have security of their work when they were forced to go on maternity leave.

It is clear that the contractors are legally in the wrong on several scores in the way in which the contracts are presently being carried out. It is also clear that the BMP as the principal employer has a responsibility for regulating the activities of its contractors, in which it has totally failed.

Workers and their conditions of work

The Fact Finding Mission carried out a survey over three days from January 11th to 14th. It covered 215 workers from 22 wards grouped around Kathriguppe, Gurupanapalya, Kamanahalli, K.R. Market, Nandini Layout and Nagapura. The teams of the Fact Finding Mission met women and men workers in groups of ten to twenty. The issues discussed included wages paid and mode of payment; working condition and facilities at__ work place, including incidence of harassment faced at work place; regulation of work; and living conditions. The general findings are as discussed below.

Wages paid and mode of payment:

The standard wage paid to all workers was Rs.800-900 r month for women and Rs.1000 per month for men. The wage was paid in cash. There was no fixed date and time, or place for making payments. The agent of the contractor (maistry) would on any day of the month take group of workers in the

ward aside and pay their wages. In general there was no record of payment made. There was no list giving any details of the workers' names or the amount due to them. In some wards the workers said that on occasions they were made to sign (put their thumb impression) on a list containing only their names. There was no listing of the wages paid to them.

There were no holidays from work. In some wards, at the discretion of the contractor, workers would be let off early (by noon time) on some prominent **hindu** festival days. Otherwise the workers had to be at work from 6.30 in the morning to 1.30 in the afternoon from Monday to Saturday, and from 6.30 in the morning to 11.00 AM on Sunday. In K R Market, workers work in two shifts, from 6.30 in the morning to 1.30 in the afternoon and from 2.00 to 6.45 in the evening. A forty six and a half hour work-week. The wages at Rs.800 per month for women works out to an average of Rs.27 per day.

The women were asked about the wage difference between them and men. All said that they worked at least as hard as the men, and deserved to be paid the same wage. They said that work requiring greater strength was done by men. This included loading the lorries and clearing big stones. However women also said that if required they could also do the same work.

Attendance was taken thrice every day, at 6.30 in the morning, 10.00 and 1.30 in the afternoon. The workers had to assemble at the attendance place from wherever they were at work. Even a five minutes delay meant that the worker was not allowed to report for work on the day. Moreover, a deduction of Rs.40

was made for each day of absence, as against the actual average daily wage of Rs.27 for women. One worker being absent from work did not mean that some of the work remained undone. The other workers had to work that much more to ensure that all work was completed. The contractor thus did not lose any revenue because of the absence of the worker. This was just extra money in his pocket. There were additional deductions made for "deficiencies" in work. This could include a fine of up to Rs.10 for any garbage dropped on the way – or as much as 40 percent of the daily wage for a single example of "deficiency". Finally the decision of "deficiency" in work and the penalty to be imposed was at the sole discretion of the maistry.

The Rs.27 per day for women had to cover all their expenses, and leave some money over to sustain their families. Some women came from a distance requiring them to take a bus. They spent up to Rs.10 per day on bus travel. One woman had to spend as much as Rs.14 on bus charge. Almost all of them had no time to eat any food before coming to work, and needed to spend some money on tea and snacks to sustain them through the day. At the end of the month, after deductions for forced absences and for necessary daily expenses, the money left over for the women from their hard labour could only be a pittance.

The women were asked if they did other work to augment their earnings. While in some wards women said that they took in work like rolling agarbathis, or went out and did domestic work, many claimed that they were just too exhausted at the end of

the day to do any more work. Some of them had husbands or children who were also wage earners, or lived in joint families with other wage earners. However there were women who ran households on only their single income. One woman had a husband who had lost both his legs in an accident at the work place. Another had a husband who was an acute TB patient and could not do any sustained work. It remains a mystery how these households even managed to meet the basic sustenance requirements. These are issues of slum politics and livelihood that need to be explored further.

It was interesting to note that with the stepping up of union protest since November, 2001, and with the workers in many wards refusing to accept anything less than the minimum wage, the contactors had through their agents started offering wage increases, of up to Rs.100 per month.

Conditions of work and facilities at the workplace:

On an average a worker had to leave the house by 5.30 in the morning to be at the workplace by 6.30. We can assume that her day started at 5 in the morning. Many women walked long distances to the workplace, in order to save the bus fare. On a daily wage of Rs.27, every rupee counted. They walked in groups, to avoid the hazards on the road at that time. The hazards varied from local hoodlums to stray dogs. One woman had been bitten by stray dogs eight times in the around ten years that she had been employed. There were many who had

been bitten by dogs more than once. Even among the women who took a bus to work, the day started very early. One woman took the bus from Ashoknagar to her workplace at Kamanahalli, spending Rs.14 every day. She had to walk for half an hour from her residence to the bus stop, leaving her house, on her own, before 5 in the morning. Another woman who lived by an army barracks, in Chikbanaswadi, had to face a barrage of wolf whistles and rude comments every morning on her way to work.

At this time of the day the women did not have time to either cook or eat any breakfast. All the women said that they left home without even a cup of tea. Many waited till 3.30 or 4 in the evening, when they were back home from work, to cook and eat their only proper meal for the day. At work they had to make do with the occasional cup of tea. And the occasional leftovers wrapped in paper from some residence or hotel around the workplace. There was no facility for drinking water, or even water to wash up at the workplace. The women said that no residents offered them drinking water. After all they belonged to the lowest rung of the caste hierarchy, and Bangalore for all its claims to modernity is as caste conscious as any other city in India. In fact the women said that if they needed water they went to the hotels, which were more modern in their outlook than the middle class households!

An interesting feature of the workplace was the absence of any discrimination among the workers themselves. While a majority of them were dalits from the community, many were from other scheduled castes (SCs), like odders and kurubas,

and even from other backward castes (OBCs) like gowdas. At the workplace there was no discrimination with respect to being together, sharing their belongings, or the type of work done.

The workplace was just an open space to gather in. There were no facilities of a room to rest, or even to keep the implements. In only one ward at Kathriguppe was there a room in which the workers kept all their implements. The workers themselves arranged the room and the old person who took care of the implements! The contractor or his agent had nothing to do with getting this facility. In other wards the workers either kept their implements in the residence of some of the more accessible residents, or carried the implements every day with them. The open fields or bushes beside the roads were the only facilities they had to answer calls of nature. Jayamma from Girinagar said, "when we go to answer calls of nature, the contractor's agent follows us and asks what we are doing wasting our time!"

The implements given to the women were a broom and a dustpan (mumti). The men had a larger mumti, a sickle and a spade. None of them had uniforms, protective gloves or boots. These are very specifically mentioned in the contract document of the Bangalore Mahanagara Pallike (BMP). Many women said that even for these minimum implements they had to often pay their own money. A broom would last only ten to fifteen days, while the contractor normally allowed a replacement only once a month. The physical effort the women had to undergo with a worn out broom was much higher. They had to stoop

lower, and sweep that many more times. Many found it more acceptable to purchase their own replacement. The mumtis given were replaced only once annually. Often the women had to work with leaky mumtis, handling fecal matter and all manner of decomposed garbage. The women also said that on the occasion of losing any implement the full price of a new implement was deducted from their wage.

The long hours of strenuous work, the terrible work conditions, the lack of proper food took a terrible toll on the health of the Powrakarmikas. The women all had rashes covering their hands. They got it primarily from pulling out the parthenium weed found all over. Some women said that when they tried to use waste plastic bags to protect their already hurt hands while pulling the weed they were shouted at by the maistry for slowing the work. In addition, all complained of severe back pain due to continuous bending during work. They all had swollen and painful elbow joints from hours of continuous sweeping. They had all suffered cuts on their hands and feet from handling waste, which needed immediate medical treatment. A large majority of them complained of respiratory problems. These were all only the standard hazards at the workplace. The workers on an average said that they spent around Rs.1000 every year on medical expenses. They had to depend often on private medical facilities, as the government facilities took time, which they could not afford.

There were also numerous incidents reported of more severe accidents during work. One woman, Marakka who worked in ward 54 A, was run over by a truckhile she was sweeping the

road. As the other workers immediately rushed to the place, stopped the truck and created a scene, the contractor was forced to pay Rs.3000 plus hospitalisation expenses. The woman still cannot walk properly. She has got no other compensation, other than the hospitalisation costs. Another woman lost the use of an arm when a heavy stone from the truck fell on the arm while she was loading the garbage truck. A worker suffered severe fractures when a cart he was loading overturned on him. Muniyamma from Nagpura ward burnt her hand badly while she was clearing garbage, because of the bursting of an unused cracker. Aiyamma from Mico Layout died when her saree caught fire while she was burning garbage. The contractor gave only Rs.3000 as compensation as against the Rs.50,000 spent by her family in an attempt to save her life. She was the main wage earner in the family. Her daughter, Meenakshi, says that to this day the family is repaying the loans. Workers claimed that accidents involving vehicles were common. In most cases there was no compensation of even the medical expenses. And in most cases the worker was not assured of her job when she came back to work.

Harassment at the workplace was a daily event. The workers had to routinely face abuse from the maistris. None of the women reported any incidence of overt sexual harassment. However the union activists mentioned a few specific instances of harassment by the contractor and the maistry. It was interesting to hear from women in the Kamanahalli ward that they would not tolerate any such behaviour or derogatory caste based comments in their ward. This is an area where

the Dalit Sangharsh Samiti (DSS) is very active, and the women referred to the DSS as their source of strength.

There was a high degree of alcohol, tobacco and beetle leaf consumption among the workers. Both men and women said that they had to handle decomposed garbage in its worst forms. The garbage often contained used sanitary napkins loosely thrown in, fecal matter, etc. They had to handle all this without any proper implements, and often with their bare hands. The situation was even worse during rains, when the workers had to handle wet and slimy garbage, which invariably leaked all over them. One woman held out her hands and said that with these bare hands she had shifted decomposed carcasses of so many dead animals. What more could be asked of her? The only way in which they could withstand the filth and smell was through deadening their sensibilities through some form of substance abuse. The effect of this on both the fragile health and economic condition of the workers could only be very detrimental.

Pregnant women had no maternity leave, no special consideration of the work to be done. There was no guarantee of their getting back the job when they came back. In some cases their husbands or substitute workers were allowed to take their place for the duration of their absence.

There were of course no crèche facilities for children. Most women left their children with others, including aged parents living with them; or in the care of older children; or with neighbours. There were instances of women having to bring

their children to the workplace, and leave them under a tree or any other shelter in the neighbourhood. Gangamma from Kathriguppe pointed to her son who is a young contract municipal worker, and related how she had been forced to carry the boy around with her to work. The children would then be exposed to the same long hours, inclement weather, and pollution.

Regulation of work:

As stated, in most instances the maistry was the only authority for regulation of work. His exercise of authority was arbitrary, and there were no written guidelines to be followed in his exercise of authority. Many workers had not even set eyes on the contractor. As such, their only experience of authority was as vested in the maistry. They had no concept of a channel for arbitration or redress of grievances.

There is an official of the BMP known as the Medical Officer of Health (MOH), who is supposed to visit and inspect the conditions of work at the different wards. In most cases the workers said that they had never met the MOH. Some said that the MOH only came once every few months, and even during these infrequent visits, he made no attempt to talk to individual workers. The workers had no idea of what role the MOH was supposed to perform.

The arbitrariness of the use of authority was demonstrated well in the incidence related by Nagalakshmi of ward 63 A. She

was involved one day in cleaning the garbage from one of the dumps. A woman from a neighbouring house came and dumped her garbage just outside the garbage dump. The worker remonstrated that the garbage should be put in the dump, and not outside it. At this the woman shouted that it was the duty of the worker to clean the garbage and started abusing the worker. A couple of youths from the house joined in and thrashed the worker so badly that she had to be admitted for two weeks to a hospital. The maistry and the contractor rushed to the spot. They found it convenient to accept the story of the middle class woman that it was the worker who was at fault, and had started the trouble. She was promptly dismissed from her job. Such an arbitrary dismissal, without a formal procedure of enquiry, would never have taken place in the case of tenured workers.

Living conditions:

All the workers lived in slums. A small proportion of them owned the shanties they lived in, through slums getting regularised. Many lived in rented shanties in the slums. They paid rents of Rs.500 to 700 per month. The manner in which they balanced their fragile economies to meet these expenses is a matter for further enquiry. Some women had the support of their husbands or children, who also worked and contributed to the running of the house. One woman did not even have the luxury of a shanty house, and lived as a squatter in a tent. This would probably be the case with other women who ran their houses on their incomes alone.

None of the slums had toilet or water facilities. The residents went out to answer calls of nature. The women usually managed bathing and washing up standing in a bucket in their shanties, as there were no drainage facilities. One can well imagine how difficult it would be for women to get ready and leave the house early in the morning.

Most of the workers managed to send their children to school. However they all said that it was with great difficulty that they managed this. As one woman said – “we send our children to government schools where we do not have to pay, but we still need to buy the books”. Another woman from Nandini Layout had to take her daughter out of third standard to look after a younger baby, as she did not have any other support.

The workers said that medical expenditure was a significant portion of their expenditure. Much of the expenditure was directly related to cuts, bruises and ailments got from working in unsanitary conditions. As stated, workers could not go to government hospitals for small complaints, as they just could not take any time off from work. One can imagine the type of treatment they would get from the medical quacks they went to. Many workers also complained of chronic respiratory ailments. This is only to be expected, given their backbreaking work in the open, under all weather conditions, with all the pollution around, and with the food habits enforced on them by poverty and exigencies of work. All the women said that they could only have one proper meal after returning home in the evening. They had to manage the whole day out working without a break, except for cups of tea to quell their hunger. The

occasional scraps of food given by residents were the only sustenance through the day for many workers.

Alcoholism and domestic violence were a way of life. Even many of the women said that they drank to forget their pains and get some sleep at night. They all said that the men drank and were often violent and abusive. One elderly woman had to face regular violence from her grown up sons. With all this they had no recourse but to get ready for work early the next morning. Life had a relentless pattern for them, broken only by illness or loss of employment.

The workers were asked what would constitute a fair wage. Most said that if they were paid the minimum wage they were promised, that was adequate. At the present extremely low level of wage of Rs.800 for women, the minimum wage of Rs.2150 constituted a nearly two and a half times increase. Given the uncertainty of work, the nature of hazards, and the total lack of any social security measures, this is still not at all a living wage. If we compare their wages with even the salaries drawn by permanent workers of the BMP who do the same job, and who are at the lowest rungs of salary of government employment, the contrast is glaring. The permanent workers are paid upward of Rs.4000 per month, with benefits of tenure, weekly holidays and some social security. One woman had the electricity to her shanty cut off because of non-payment of an electricity bill. To her such an amount of money was just unachievable. She clearly stated that if we were paid Rs.5000 per month, we would be able to manage a decent living. Anything less than that would only lead to a slight betterment of our wretched condition.

Interview with BMP Commissioner

The Fact Finding Mission met the BMP Commissioner Mr. Ashok Dalwai on January 31, 2002, at 3.30 pm at the office of the Commissioner. The following are the highlights of the discussions.

The Commissioner said that the BMP followed a policy of awarding contracts to the lowest tender bids. The BMP did not give consideration to whether the contract amount was adequate to give the workers a proper wage and benefits. The Commissioner admitted that the present contract amount was not adequate to pay the workers minimum wages and give them the benefits due under law. It was the struggle of the workers that was making the BMP pay attention to the needs of the workers. Till now attention was not given to enforcing rules and regulations as per the Contract Labour (Regulation and Abolition) Act, 1970. In the future attention would be paid to this.

The Commissioner added that to make the work easier more efficient carts, to clear the garbage, have been introduced. According to him, it is more difficult for women to push the carts; hence, the BMP was now interested in appointing more men.

The Commissioner saw the present problem of bad working conditions as that of the contractors not being 'professional'. If contracts _Êwere given to 'professionals' the problem would be solved. He said that in the present context of privatisation, absorption of workers could not be considered. It was more

efficient to contract out more and more of the work. Mr. Dalwai said that the BMP earlier used to employ its own vehicles for its cleaning activities. It has now got most of the vehicles on contract. Even in various departments of the BMP, staff had been reduced by 20 percent through contracting out work. According to him, more of the work should be subcontracted. Currently, the BMP uses 90 percent of the money it collects, by way of taxes, to pay salaries. This should be reduced. Or else development of the city is not possible. The only solution to reducing the wage bill, is to employ fewer people, give them better facilities, and make them work harder.

He concluded by saying that the primary concern of the BMP was to keep the city clean.

Attempt to meet Bangalore Agenda Task Force (BATF)

The members of the fact-finding mission attempted to meet the BATF on 1st February 2002. Even though they had a appointment, they were informed that the person they were to meet had another appointment and was therefore unavailable. However, they were given a glossy BATF brochure that has all the information concerning BATF's activities.

BATF being a citizens' body initiated by the Government is a stakeholder in the clean Bangalore campaign. It is unfortunate that their concern does not extend to the situation of those workers keeping the city clean.

Attempt to meet Contractors

It was a futile attempt to meet the contractors as they did not show any interest. Repeatedly the fact finding team tried to get an appointment in vain. So the fact finding team finally decided give up the efforts to meet them.

Conclusions

At the outset, the whole situation clearly underscores the callous manner in which the BMP has shrugged off its responsibility towards contract workers employed in its primary activity of keeping Bangalore city clean. First, the BMP should not have resorted to contracting out of this activity. It is of a perennial nature, and is essential to the work carried out by the BMP. In fact, the BMP employs tenured workers to do the same work that the contract workers do. These tenured workers have terms and conditions of work very different from that of the contract workers. This is not to say that permanent workers are being compensated more than what is due to them. Considering the nature of the work and the effort required, even the permanent workers are being exploited. Second, having contracted out the work, the BMP has done nothing to regulate the conditions of work. The tender document of the BMP clearly specifies the payment of a minimum wage. After ten years of the practice of contracting out work, we find that the Labour Department stating that the work has not even been notified for adding to the schedule of employments with a minimum wage. There are various other regulations relating to conditions of work clearly

stipulated in the tender document of the BMP. We find that not a single one of these has been enforced by the BMP. The impact of this indifference is clearly to be seen on the health and living conditions of the workers.

From the interview with Commissioner Dalwai, it is clear that the attitude towards cleaning operations will mean private bodies getting involved, and reduction of employment, especially for women. He also affirmed that the BMP's attention to the plight of workers has only been very recent and that too because of their vociferous struggle over the past few months. As he himself said, "the primary objective of the BMP is to keep the city clean." Any thing else is, possibly, of secondary importance.

The contractors have all adopted a totally cavalier attitude towards their employees. To the extent that the employees did not even have a formal contract or a document to prove their employment. The fact that there is such uniformity in the wages paid, the hours of work, and all other forms of regulation of work clearly shows the existence of a customary pattern of management of work. It is impossible that the officers of the BMP responsible for overseeing the contractors are not fully aware of this customary pattern. In fact, the contractors did not even meet the fact-finding mission despite repeated attempts to contact them for their comments on the employment situation. This in its self shows the indifference of the contractors' to their employees.

We see in all this a clear corroboration of the charge of the union that this whole unfair pattern of management of work

was possible because of corrupt dealings between the contractors and a number of influential officers of the BMP. The union also claimed strong political patronage for the practice, making it impossible for even honest senior functionaries of BMP to bring about any change. We have further evidence of possible corrupt dealings in the fact that some contractors had themselves gone to court demanding a stay in the giving out of contracts on the plea that a large number of contracts were awarded to a single cartel.

Finally, the contractors in various wards have threatened workers that if they were awarded minimum wages the contractors would no longer be interested in the contracts and would abandon them. This should in no way be allowed as a reason to delay the process of immediately granting the workers minimum wages and other legal rights. The workers have already been denied their rights for ten years. In fact the BMP should be held responsible for this illegality over ten years, and should be made financially liable.

We should add here that the various corporations of the Karnataka state employ upward of 50000 contract workers in different townships. They all face similar conditions of work. Any change in the conditions of work of the contract workers of the BMP would have an immediate impact on the conditions of the other contract workers. Over 50000 workers stand to gain by a speedy resolution to the dispute.

Demands:

In this context, we fully support the demands of the workers with respect to the following:

- 1) Payment of minimum wages to all workers together with all statutory benefits
- 2) Ensuring the presence of the principal employer, and labour department at the time, date and place stipulated for the payment of wages
- 3) Ensuring the presence of the principal employer, and labour department to perform all regulatory activities as required
- 4) The issue of ID cards and wage slips as per the law
- 5) Confirmation of the services of all workers as employee of the principal employer with service weightage
- 6) Ensuring steps to prevent sexual harassment at the workplace as per the Supreme Court guidelines in this regard
- 7) Action should be taken against untouchability
- 8) According to the Contract Act women and men should be paid equal wages
- 9) They should be provided with uniforms, badges, gumboots, gloves and other safety equipments.
- 10) Essential medical facilities should be given

Chronology of Events

Date	Event
August 2001	Demonstrations before the BMP
August 13, 2001	BMP Commissioner passes an order, dated August 13, 2001, requiring payment of minimum wages with immediate effect, and explicitly stating payment by cheque.
Sept 31, 2001	Demonstrations before Labour Commissioner's office
Oct 31, 2001	Labour Department memo specifying minimum wages of Rs 71.80 per day for workers in road building and maintenance, construction of buildings, and sweeping and scavenging.
Oct-Nov, 2001	Union and Citizen's Group collect personal details of Powrakarmikas for submission to the Labour Commissioner as part of the conciliation process.
Nov 2001	Sub-contracting of municipal maintenance work passes into hands of new set of contractors, as previous contract expires.
Nov 12, 2001	Labour commissioner issued a draft notification exercising powers vested in

him under Contract Labour (Regulation & Abolition) (Karnataka) Rules 1947 under sub-clause (b) of clause (v) of sub - rule (2) of rule 25.

Nov-Dec, 2001

Struggle intensifies as workers of 40 wards refuse to accept illegal payment by contractors and demand minimum wages.

BMP Commissioner passes another order dated December 14, 2001, confirming immediate payment of minimum wages and other substantive issues.

Jan 5, 2002

Forming of support group with human rights groups, women's rights groups, eminent artists, activists from different struggles.

Jan 10, 2002

Demonstrations in front of Commissioner's office demanding minimum wages.

Jan 17, 2002

Labour Commissioner reveals that as on the date minimum wages for contract municipal workers not included in the schedule.FEBRUARY, 2002

ANNEXURE 1

ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ

ಸಂ:ಉ.ವ(ಅ)ಸ್ವ.ಪ್ರತ:ಎ, 101-02

ಉ.ಕ. ಅಯ್ಯಕ್ಕಡ(ಅಕ್ಕಿ) ದಾದ ಕಟ್ಟಿರಿ.
ನಗರ ಪದಿಕ ಕಟ್ಟಿರಿ.

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14.12.2001.

ಕಪ್ಪೇರಿ ಆದೇಶ

ತುಲ್ಕುಮ್-ಈ ಕಛೇರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಡಿ.ಎಸ್.ಪ್ರ.ಕೆ.311:00.01 ದಿವಾಂ:13.08.2001.

[illegible]

- [illegible]

[illegible]

ಕರ್ನಾಟಕ ಸರ್ಕಾರ: ಕಾರ್ಪೊರೇಷನ್ ಇಲಾಖೆ

ಸಂ: ಕರ್ನಾಟಕ ಸರ್ಕಾರ: 2001-02.

ಕಾರ್ಪೊರೇಷನ್ ಆಯುಕ್ತರು, ಕರ್ನಾಟಕ
ಕಾರ್ಪೊರೇಷನ್ ಇಲಾಖೆ, ಬೆಂಗಳೂರು
ದಿನಾಂಕ: 29, 11, 2001.

-ವರದಿ.

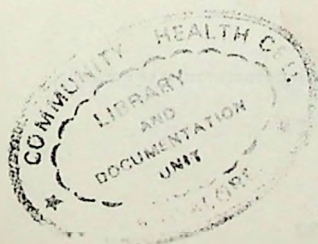
ಮಾನ್ಯರೇ,

ವಿವರ: - ಕನಿಷ್ಠ ವೇತನ ಕಾಯಿದೆ 1948 ರಡಿಗಾಗಿ
ವೇತನ ಮತ್ತು ತುಟ್ಟುಗಳಿಗೆ ನೀಡಬೇಕಾದ
ಸ್ವಲ್ಪವೇತನ.

ಗ್ರಾ.ನಂ: - ತುಟ್ಟು ಮತ್ತು ದಿನಾಂಕ: 31-10-2001.

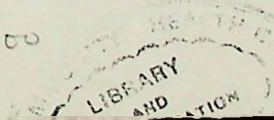
ರಸ್ತೆಗಳ ನಿರ್ಮಾಣ ಅಥವಾ ನಿರ್ಮಾಣ ಮತ್ತು ಕಟ್ಟಡಗಳ ನಿರ್ಮಾಣ
ಗಿರಿಗೆ ಸರ್ಕಾರ ಕನಿಷ್ಠ ವೇತನವನ್ನು ನೀಡುವ ಅಧಿನಿಯಮವನ್ನು ಜಾರಿಗೊಳಿಸುವುದು.
ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟ ಅಥವಾ ಸ್ವಲ್ಪವೇತನದ ವರ್ಗದ ಕಾರ್ಮಿಕರಿಗೆ ನಿಗದಿತವಿರುವ ಕನಿಷ್ಠ
ವೇತನ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.
(ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: ಸರ್ಕಾರ 25 ವಿವರಣೆ: 88, 11-27-1-93)

ಕನಿಷ್ಠ ವೇತನ	ರೂ. 36.50
ತುಟ್ಟುಗಳು	ರೂ. 35.30
ಒಟ್ಟು	71.80



ತುಟ್ಟು ಮತ್ತು ದಿನಾಂಕ,

ಕಾರ್ಪೊರೇಷನ್ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು.



With your bare hands you pull out dirt
from dirty drains
from city dumps
Shards of glass pierce the flesh
of your hands
The story of your life flows like
a river of tears
The strength of your body ebbs
away
despite this, they call you
untouchable
Your sweat is your strength
Your broom is your flag
Yours will be the final victory

K. Ramaiah



manasa:

Saraswathi - 3490256

Mohan - 3631222