

Workers' Struggle in India

# Pricol Tragedy: Witch Hunt Must Stop, Justice Must Prevail

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The tragic death of a senior management representative of auto part manufacturer Pricol in Coimbatore on September 22 has triggered a frenzied reaction from the Pricol management, the Tamil Nadu (TN) police and sections of the corporate media. Roy George, Vice President (Human Resources) of Pricol had reportedly suffered head injury in the course of talks with a group of workers on 21 September and succumbed the next afternoon in a city hospital.

The company describes the tragic end of its VP as 'planned and premeditated murder' and attributes it to a conspiracy hatched by the leadership of the fighting union of Pricol workers (Kovai Mavatta Pricol Employees' Trade Union) as well as the central trade union (All India Central Council of Trade Unions) with which it is affiliated. The Coimbatore police have already arrested some thirty workers and a witch hunt is on against several other worker activists and their leaders including Comrade S Kumarasamy, President of AICCTU.

Newspapers and TV channels have all noted the similarity of the Coimbatore case with a similar incident that happened exactly a year ago in Greater Noida in which the local head of Italian firm Graziano Transmission was reportedly beaten to death by a group of sacked employees. It was reported that the Graziano incident was sparked off when goons hired by the management beat up workers who had been summoned on the pretext of talks. A similar incident has recently been reported from Gorakhpur. Meanwhile at Gurgaon, the killing of a worker by management 'bouncers' during an agitation against sacking of employees who were leading the struggle to unionise, has sparked off a massive strike in Gurgaon. A few incidents involving mill managers have also been witnessed occasionally in the jute mills in West Bengal notorious for huge PF defaults and most anarchic and arbitrary labour practices by the mill owners. The recent suicide of Manikandan, a worker at Pricol for the last 19 years, is the latest addition to the toll of human life taken by the undemocratic and repressive tactics of the Pricol management.

Yet instead of highlighting the common causal thread that runs through such cases - absence of industrial democracy, rampant violations of labour laws and complete denial of the right to unionise, miserable working and living conditions of workers, and recurrent violence by management against vocal workers, to name just a few causes - or helping us understand the incident in the context of the deep anxieties and uncertainties fuelled by the recession, most media reports have tended to join the corporate chorus defaming the organized trade union movement and calling for labour reforms to give still greater freedom to capital to dictate terms to labour. Some have even gone to the extent of demanding a ban on the AICCTU and CPI(ML).

The Pricol management has been notorious for its record of rampant violation of labour laws, court verdicts and government orders. Far from recognizing the union supported by the overwhelming majority of workers, it has constantly victimized workers for siding with a 'Marxist-Leninist union', hoping to break the union through coercion and intimidation. In recent months, in the name of facing the recession, it has resorted to harsh wage-cuts, robbing every worker of tens of thousands of rupees. On top of this, came the September 21 termination of 40-odd workers and the dam of workers' patience burst asunder.

Even in the face of such a vindictive and arbitrary management, Pricol workers have actually been waging a protracted and patient battle exploring every legal avenue available for bringing the management to justice. From Madras High Court to Supreme Court to the floor of the Tamil Nadu State Assembly, the contention of the fighting workers has been upheld time and again and notice issued to the management for legal compliance. The tragic incident of September 21-22 should not blind us to this real history of Pricol workers' struggle.

By launching a witch hunt against Pricol workers at the behest of the Pricol management, and framing the all-India leadership of a recognized trade union centre like AICCTU, the Dravida Munnetra Kazhagam (DMK) government is now playing its bit to intensify the state-corporate assault on industrial democracy and basic trade union rights. The trade union movement and the broader democratic opinion must resolutely resist this assault and stand by Pricol workers for fulfillment of their just demands.

The Centre too is trying to use Pricol-Graziano-type incidents to discredit the working class movement and push for the corporate-sponsored agenda of 'labour law reform.' In other words, instead of correcting the course of rampant violations of labour laws by managements which led to such tragedies, the Centre is planning to institutionalise and legalise those very violations! The Pricol tragedy cannot and must not be allowed to be utilized as a corporate handle to coerce workers and suppress the voice of justice. The deaths of Roy George and the worker Manikandan in Pricol, and of Gurgaon worker Ajit Yadav should serve as a warning bell to the government to strictly act against the anarchy perpetrated by managements across the country, legislate in favour of workers' right to form unions, sternly penalise every violation of labour laws, and uphold principles of industrial democracy and collective bargaining.

At Coimbatore, a single day's tragic incident is being deliberately sought to be used to prejudice public opinion against the Pricol workers and suppress the truth of the nearly one thousand days of their united and determined struggle.

### **Pricol: Confirmed Violator of Labour Laws**

Among other basic things, a key demand of Pricol workers has been for the recognition of their unions which enjoy the support of the overwhelming majority of workers while the management has been constantly pressurizing workers to withdraw from the road of struggle and sever ties with the 'Marxist-Leninist'/'Maoist' leadership.

In this long struggle of Pricol workers, the government of Tamil Nadu has repeatedly censured the Pricol management. The state government has issued three advices, passed one government order (GO) prohibiting the continuance of lockout, passed three GOs ordering references, passed two orders under section 10B of the Industrial Disputes Act (ID Act) 1947.

On 29<sup>th</sup> of July 2009 the state Labour Minister, while replying to a calling attention motion moved on the floor of the assembly by All India Anna Dravida Munnetra Kazhagam (AIADMK), Pattali Makkal

Katchi (PMK), Congress, Communist Party of India (CPI), CPI (Marxist), catalogued the various unfair labour practices indulged in by Pricol Ltd, and stated that the workers had given up their indefinite fast which had been continuing for the 15<sup>th</sup> day as their demands were accepted by the government. He further assured that the government would not let the workers down.

Have things completely changed in a few months and more particularly on a single day with the unfortunate death of an executive? In the heat and passion generated by this tragic incident, can we allow rational reasoning to become a casualty?

Will TN Police Consult TN Labour Department on Pricol Ltd?

Rampant violation of labour laws, court verdicts and government orders has been the trademark of the Pricol management.

Some highlights of Pricol's notorious track record in the arena of industrial relations:

- Vindictive transfers.
- Refusal to engage in collective bargaining in good faith with the majority union.
- Illegal partial lockouts.
- Break-in-service orders.
- Stoppages of increments.
- Termination of more than 1000 employees.
- Illegal deduction of wages and incentives running into crores of rupees; promises by the management to pay all these withheld dues if the workers leave the unions.
- Employment of apprentices and contract labour contrary to certified standing orders and the Contract Labour (Abolition and Regulation) Act, 1970.
- Most recently, dismissal of 44 workers without any domestic enquiry.

In almost all these issues the state government has intervened under sections 10 (1), 10(3) and 10 B of the ID act 1947. In fact Comrade Kumarasami was trying to get the Labour Minister convene a meeting at the earliest to resolve the simmering discontent and this fact is known to the Labour Department.

The management does not want Comrade Kumarasami to defend the Pricol workers in the High Court as well as the Supreme Court on the 29<sup>th</sup> of September and other subsequent dates. This is the main reason for implicating Comrade Kumarasami, the national president of a centrally recognised trade union.

### **Continuing Witch-hunt**

Subsequent to the incident at the Pricol automotive parts manufacturing company at Coimbatore on 21-22 September 2009, the police initiated a crackdown on innocent workers and their leaders. Murder cases were fabricated against more than 20 workers, including two women. The charges of murder and of damages to properties were framed against the union's all-India President Comrade S

Kumarasamy. The same cases were also foisted against many workers' leaders and vanguards at factory level who are under suspension or dismissal and who are not entitled to enter the factory. More than 26 innocent workers, including eight women, were arrested within 24 hours on non-bailable offences, digging up some old cases of unlawful assembly that alleged to have happened in March 2009. These arrests were made two days prior to a meeting of an AICCTU delegation with the Deputy Chief Minister and the day before the anticipatory bail petition for S Kumarasamy was filed in the High Court of Chennai. At the next hearing of the bail petition of S Kumarasamy on 15 October, the police gave an undertaking to the Court not to arrest him until the anticipatory bail hearing was complete.

Around 26 workers arrested on charges of unlawful assembly were released on bail on 7 October after having been jailed for over a week. The workers of Pricol wanted to participate in struggles on 1 October as a part of all-India Protest Day called by AICCTU at national level. The police denied permission for the demonstration. On 3<sup>rd</sup> October, a Solidarity Committee with Pricol workers sought permission to hold a demonstration in support of the struggle and was denied by police. Hundreds of supporters of the struggle courted arrest violating prohibitory orders.

On 2<sup>nd</sup> October, a state level delegation of AICCTU led by N K Natarajan and comprising of state deputy general secretaries A S Kumar and Bhuvana, G Radha Krishnan and two Pricol workers, met the Deputy Chief Minister of Tamil Nadu, M K Stalin. The delegation urged him to initiate suitable actions to establish the rule of law and to discipline the Pricol management which is responsible for industrial anarchy.

An all India delegation of AICCTU led by its all-India General Secretary Swapan Mukherjee, and comprising all-India Vice-President V Shankar, Secretaries N K Natarajan and Balasubramanian visited Coimbatore on 6<sup>th</sup> October. When the delegation went to address the press at press club, more than hundred policemen cordoned off the place to create a situation of terror. The delegation also addressed a well attended convention of workers of Pricol on the same evening. In spite of heavy repression and prevalence of terror situation, workers participated in the convention in good strength and displayed utmost struggling spirit and a sense of fighting unity. The convention was symbolic of the renewed vigour and resolve of workers to carry forward the struggle. The convention also paid homage to a Pricol worker who committed suicide unable to bear the management's victimization of workers and the police harassment.

The delegation also met the State Labour Minister, State Labour Commissioner and the state police Chief, the Director General of Police and submitted a memorandum demanding withdrawal of false cases against Comrade S Kumarasamy and other innocent workers. The delegation also demanded suitable legislative amendments for recognition of trade unions that enjoy the support of majority workers.

A peace meeting on 7 October was called, under the guidance of the Deputy Chief Minister, by the Deputy Commissioner of Labour Mr. Marimuthu at Coimbatore who served notices to the union and the management. The management chose to stay away from the meeting while the union attended it. The Pricol management continues to arrogantly defy any steps for peace.

The management also declared a differential bonus formula for different groups. While the majority workers in the union were unilaterally offered the statutory minimum bonus of 8.33%, the minority loyal workmen represented by treacherous unions were offered 20% bonus plus gift. This is also a sufficient indication that violation of laws by the management is going on unabated and there is no political or legal authority competent enough to prevail on the Pricol Management. This is the usual story of corporate or Multinational corporation (MNC) influence and control over the State authorities instead of the reverse.

It is heartening that almost all Left trade unions like All India Trade Union Congress (AITUC), Centre of Indian Trade Unions (CITU), All India United Trade Union Centre (AIUTUC) and Hind Mazdoor Sabha (HMS) offered support to the workers' demands at national and state level. They also readily signed the joint statement. The struggles, rallies and demonstrations emphasizing the Pricol workers' demands, are on in Chennai on every other day since 29 September. All India Agricultural Labour Association (AIALA) also joined the protest in support of workers in rural areas displaying the sense of unity with workers. Students and women too, joined the voice of protest in the state of Tamil Nadu.

The struggle of Pricol workers' continues - even as the Congress-led United Progressive Alliance (UPA) Government at the Centre is pushing the agenda of 'reform of labour laws' - a euphemism for rollback of labour laws to appease the corporations and to intensify the liberalization offensive.

### **Massive protests**

Following the witch-hunt of workers and attempt to frame and implicate the AICCTU National President Comrade Kumaraswamy in the death of a Vice President at PRICOL industries, Coimbatore, there have been a flood of protests - not only in Tamil Nadu but nationally and even outside the country.

In Delhi, AICCTU held a protest at Jantar Mantar on 24 September. On the same day, there was a demonstration in Ambattur industrial estate in which over 500 workers participated. TIDC workers held a gate meeting. Demonstrations were also held in Namakkal, Pudukottai district Tirunelveli and Kanyakumari districts too.

100s of protest telegrams were sent from all over the State to the Tamil Nadu CM and Governor. The Madras High Court Association passed a resolution against the false implication of Comrade Kumarsami.

On 25 September, a demo was held in Villupuram district. On 26 September, the first State Conference of AISA in Tamil Nadu was held in Chennai. The delegates staged a demo demanding withdrawal of the false charges against AICCTU National President and an end to the police hunt of workers.

TIDC workers held another gate meeting on 27 September. On 29 September, a demonstration was held in Chennai in which over 150 workers participated. Another demonstration took place under the banner of the Workers' Solidarity Forum at Kumananchavadi near Poonamalli.

An AIPWA team met the State Women's Commission Chairperson and demanded to stop police harassment on women workers. She appointed a one-woman Commission to look into the issue.

On 30 September, representatives of all Central Trade Unions in Tamil Nadu issued a resolution against the implication of AICCTU National President in the case and against violations of labour laws in the State. Demonstrations were held in Tirunelveli, Pudukottai and Tiruvallore districts.

The Progressive Advocates Association and MRF Workers Seeramaippu Movement of Tiruvottiyur releases posters on the issue.

1<sup>st</sup> October was observed as National Solidarity Day by AICCTU. Protest demonstrations were held at Ranchi, Lucknow and other centres. A demonstration was held in Chennai in which 1000 workers participated. CITU, AITUC and AIUTUC leaders attended the demonstration. Demonstrations were

held in Villupuram, Kumbakonam, Cuddalore, Namakkal, Kanyakumari, Trichy, Salem, Dindigal and Madurai. In Tirunelveli, signatures collected were submitted to the Collector. A public meeting was held in Pudukottai town.

Pricol workers who arrived Chennai on 30 September met the State Labor Minister and demanded that the police harassment should be stopped. New Democratic Workers' Union staged a demo in support of Pricol Workers.

On 3<sup>rd</sup> October AIPWA and Workers Rights' Forum held a demonstration. In Coimbatore, over 120 people led by democratic forces held a rally. They were arrested and released later. A joint demonstration by many TUs was held in Ambattur.

On 4<sup>th</sup> October, TN Democratic Construction Workers Union organized a demo in Chennai. A Public meeting was held in Suthamalli of Tirunelveli district. On 5 October a demonstration was held in Kanchipuram and a memorandum was submitted to the Collector. A demonstration was held in Tiruvallore district by AICCTU-AIALA.

On 6<sup>th</sup> October, a hall meeting attended by 300 workers was held in Coimbatore addressed by AICCTU National General Secretary Comrade Swapan Mukherjee, Vice President Comrade V Shankar, Comrades N.K.Natarajan and S Balasubramaniam. AIPWA also held a demo in Chennai.

Also on 6<sup>th</sup> October, the Chennai Labour Court observed a boycott in solidarity with Pricol workers. On 9<sup>th</sup> October, a Court boycott was observed in Tirunelveli.

On 7<sup>th</sup> October, hundreds participated in a protest march in Chennai. A demonstration was held at Salem and Villupuram, and a public meeting at Tirunelveli. Protests continue across Tamilnadu.

## **Pricol Update**

National President of All India Central Council of Trade Unions (AICCTU) Com. S. Kumarasami was given anticipatory bail in the Pricol incident where he was falsely accused for the tragic death of Pricol's HR VP. Fifty workers were arrested and put in jail out of which 26 have been given bail and barring one the Pricol management has taken back all 25 for work. Earlier the management never took-back the workers when there was court case involved after industrial dispute. This is the first time the workers released from jail have been allowed to resume their job. The remaining 24 workers who did not get bail have been charged with Sec. 302 of the IPC. The AICCTU is making all efforts for their bail as soon as possible.

At the heart of the incident in Pricol, Graziano and recently Gurgaon is the managements' continuous denial to the workers to form and recognize their union and total absence of industrial democracy. The AICCTU and CPI(ML) have declared that the nation-wide struggle for workers' right to form their union, trade union recognition and industrial democracy will be intensified and carried on until the working class win their basic rights.

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\* From Liberation, November, 2009.