

13th January 2014

LAKHAN SAHU, ORGANISING SECRETARY OF THE PRAGATISHEEL CEMENT SHRAMIK SANGH, AND 6 OTHER WORKERS AND UNION ACTIVISTS OF AMBUJA-HOLCIM COMPANY IN CHHATTISGARH, SURRENDER IN COURT AND ARE SENT TO JAIL ON FALSE AND MALICIOUS CASES FILED BY SECURITY OFFICERS OF AMBUJA-HOLCIM.

PCSS BEGINS A CAMPAIGN FOR THEIR RELEASE AND AGAINST MALICIOUS PROSECUTION BY HOLCIM.

On 8th January 2014, Lakhan Sahu - the young and popular Organising Secretary of Pragatisheel Cement Shramik Sangh (PCSS), a militant union of contract workers in the cement industry in Chhattisgarh – and 6 other victimized workers belonging to plant affected families of the Ambuja-Holcim company – Yogesh Sahu, Dhannu Ram Patel, Bhagwat Sahu, Thanu Ram Patel, Lala Ram Dhruv and Dilharan Dhruv (the last two belonging to the Scheduled Tribe community) who were also active members of the union, surrendered in the court of the Chief Judicial Magistrate in District Baloda Bazar, Chhattisgarh. They have been falsely and maliciously implicated in two separate Criminal Cases - Cr. Cases No. 293/12 and 1856/12 - which were filed by (then) Security Officers of the Ambuja-Holcim company - YP Singh and Nandlal Choubey. The background of the incidents is as follows:

These young leaders had begun to successfully unionize the contract workers of the Ambuja Cement Company (taken over by Swiss MNC and the world's second largest cement maker Holcim in 2005) from the year 2010 onwards. At that time the contract workers were not even being paid minimum wages. In addition to the workers' share, the company was deducting even its own share of the Provident Fund contribution from the extremely paltry wages of these contract workers; and no Provident Fund slips showing such deductions were provided. The company even deducted charges for helmets and boots! Meanwhile it was yielding whopping returns of 12% on investment to Holcim, as compared to returns internationally of not even 2%. After the Pragatisheel Cement Shramik Sangh organized demonstrations and work stoppages, minimum wages were implemented and bonus was distributed for the first time. At that time about 450 workers – a third of the contractual labourers - had already joined the union.

The PCSS also supported the struggles of the displaced and affected farming communities in several villages notably Rawaan, Bhadrapaali, and Pounsari around the plant. The company had refused to give permanent employment to a large number of land losers in violation of the Chhattisgarh State's Rehabilitation Policy and was bringing in outside workers rather than employing local persons. It was also encroaching on village commons, roads and ponds. The village of Pounsari was badly affected by blasting; and most importantly, owing to the badly managed mining activities, there was a crisis of ground water in the area. One of the active leaders of the PCSS was Bhagwati Sahu, an elected leader of the Janpad Panchayat and himself a resident of the plant-affected village of Rawaan. One of the successful struggles was to help the villagers resist the dumping of materials and enclosure of the last remaining communal land of Village Bhadrapaali by the Ambuja-Holcim company.

The company began its “union busting” with the illegal dismissal of more than 80 active members of the union including the 6 who are in jail today. PCSS raised a dispute and filed a complaint against this victimisation and unfair labour practice. When on 18th February 2011, in conciliation meetings before the Assistant Labour Commissioner at Raipur, the Ambuja- Holcim company was warned that the licenses of contractors would be cancelled, and it was exhorted to take back the retrenched contract workers, the company retaliated against the Union leadership.

An incident of altercation between villagers and the notorious Security Officer of Ambuja-Holcim - YP Singh (against whom complaints had already been lodged earlier by villagers and workers that he used to brandish his pistol and threaten them), in the Rawaan village market on 6th March 2011 provided the excuse. YP Singh filed an FIR against four activists of the PCSS and then, by a second FIR, filed as an afterthought, another Security Officer Nand Lal Choubey, filed a complaint against Union leaders Bhagwati Sahu, Lakhan Sahu and two other union activists implicating them in a case of ‘loot’ of a mobile and Rs. 3500 and criminal assault.

The Gram Sabha of Village Rawaan had given a written resolution to the company that Bhagwati was never at the spot and that in fact the police had contacted him on the telephone when the incident took place to intervene in the matter, yet he remained under arrest from 18th May 2011 onwards for 13 months till he was finally given bail in an appeal against conviction. Lakhan Sahu was in Raipur at the time of the incident, attending the funeral of the daughter of a close friend. In fact each one of the implicated union activists have villagers and workers vouching for the fact that they were involved in these two cases of loot only because they were leaders and activists of the union. But we know that the local police station functions virtually at the behest of the company, as was demonstrated yet again when YP Singh and Nandlal Choubey attacked a Swiss woman photojournalist and her guide/ interpreter Ajay TG when they were trying to capture the life of workers and farmers around Ambuja-Holcim. Despite the victims sitting in the police station for the whole day, it took the intervention of the Inspector General of Police from Raipur to even get the FIR lodged; and of course the counter case by the company had been lodged by that time!!

The PCSS has also been fighting a long drawn battle over three decades in another unit of Holcim – the ACC Jamul Cement Works, where despite two orders of the Industrial Court and High Court holding that so-called contracts are sham and bogus, and therefore these so-called contractual workers engaged in cement production for decades together should be regularised, the Holcim company is refusing to do so. In the cement industry a Cement Wage Board Agreement is in existence, to which ACC and Ambuja are also parties, stating that in the production process no contract workers would be employed, and even in the jobs of loading-unloading and packing, where contract workers could be permitted, that they would get the same wages as

regular workers. This is being violated with impunity by the units of the Holcim company, where, on an average, only 10% of the workforce are regular/ permanent company employees paid at the Cement Wage Board Rate (which is about three times the minimum wages). Considering that even the higher wage of regular employees is a pittance in dollar terms or in comparison with the wage of European workers, it is unfortunate in the extreme that an MNC having the financial capacities that Holcim has, is choosing to violate the Indian standards and refusing to implement court orders.

The PCSS is a small struggling contract workers union affiliated to the Indian federation - New Trade Union Initiative - which consists of independent unions struggling for the rights of the most vulnerable workers. Internationally, it is a member of the IndustriALL global union. Joined and supported by IndustriALL, the PCSS has filed a complaint against Holcim before the OECD which is in process at present. In this literally “David Vs Goliath” battle, please join us in our struggle for justice and the campaign for the release of Com Lakhman Sahu and 6 other union activists.

Bansilal Sahu (President), Rajkumar Sahu (Vice President)

Pragatisheel Cement Shramik Sangh

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