

Report Submitted to the Minimum Wages Monitoring Committee on the Electrocution of a Worker in Hall IX, IIT Kanpur on 31st August, 2007

An enquiry committee was set up by the Minimum Wages Monitoring Committee for investigating the death of Mr Udayvir Yadav who died of an electric shock on 30th August, 2007. The following is the report of the Committee on the incident. As would be evident we have avoided naming any individual except where absolutely necessary.

The Background

On the 30th of August, 2007, a worker died of electrocution at the site of Hall IX which is in the final stages of construction. The deceased, Mr Udayvir Yadav, was 24 years old and is survived by his wife and two children aged 3 years and six months respectively. Udayvir hailed from Banda and has worked on several buildings which have been constructed in the Institute during the last few years including New SBRA, Outreach Building, Hall V Mess, etc. He had come to the Institute as a contract worker – his job was to do the polishing of stone surface. In the last few years he managed to buy a few stone polishing machines and had become a very small scale entrepreneur-worker. At present, besides himself he provided employment for a cousin, two other men from his village and two local youths. On that day Udayvir was working on the second floor of Hall IX when he got electrocuted probably because of a massive leakage of current in the polishing machine. The following is an account of the incident reconstructed from our interview of the workers who were on the site working with Mr Udayvir on that day (we spoke to 8 of them), his own elder brother Mr Ramjit Yadav, who is an SIS guard in the Institute, and his cousin who was at another site but had rushed to Hall IX as soon as he was informed of the incident. Incidentally Mr Ramjit Yadav, who has been doing SIS duty in the Institute since 15th May, 2003, was awarded a certificate for bravery, for his timely action during the fire which broke out in the BSBE building last year. Mr Yadav mentioned he has a photograph with the Director of the Institute to commemorate the occasion. Ramjit was on his way home (to Banda) on leave when he was informed of the accident by his cousin. Ramjit and Udayvir have two married sisters, one younger unmarried brother and one unmarried younger sister. The joint family also includes the parents and the grandmother, besides the wives and four small children, two each of the brothers. All of them are primarily dependent on these two brothers for economic support.

The Prevalent Practice in the Construction Contract

Before we put forth the incident, we need to explain some facts about the nature of construction contracts that exists in the Institute. Briefly, the Institute enters into a contract with a big contractor for the whole building ostensibly to avoid multiple contracts with different contractors. This big contractor in turn divides the work into multiple sub-contracts according to the nature of jobs involved and passes them on to smaller sub-contractors. Often these jobs are further divided into even smaller petty contracts. This results in a situation where the main contractor is reduced to merely a middleman coordinating with the Institute and interfacing with the rung of smaller contractors. Further since each layer needs to make profits the lowest rung of contractors

are forced to work with very tight margins which can make them compromise on various aspects including the wages and work conditions of the workers. And even more importantly there is no record with the Institute of either the number of smaller contractors or the workers working for them. Hence an incident like this can go completely ‘unnoticed’ by the authorities. Moreover, it is the same set of petty contractors who work on each site irrespective of the ‘new’ big contractor to whom the Institute may award a building contract. For example, in the case of Hall IX, the total work of joining the stones and polishing (these two activities are done together) was given out to a large number of petty contractors – one of whom was Udayvir. Further, Udayvir was only doing the polishing work; the joining work was being done by another petty contractor. Actually in this case it was this other man who had negotiated with the main contractor. The practice for stone polishing is that the sub-contractor has to get the machine and the men, and the wire required (often up to 100-150 metres) is provided by the contractor, and payment is done on a rate negotiated per square foot. The main contractor for Hall IX is M/s Raitani, who also has the contract for the construction of the Core Lab among others. *M/s Raitani has NEVER, come to the Minimum Wages office for payment of his workers in all these years in spite of an office order by the Deputy Director which states that no contractor will be paid by the Institute if they do not get a certified wage slip from the minimum wages monitoring group.* From all records M/s Raitani has been able to get all its payments from the Institute in spite of this lapse.

The Incident

According to a fellow worker who was working a few metres ahead of Mr Udayvir on that day, at around 12.30 in the afternoon he heard a mild shout and turned around to find Udayvir stuck motionless to his machine. There were a few other workers on the second floor working with them and they realised that Udayvir had got an electric shock. They immediately yanked the wire and tore it from the connection which caused the inert body to fall down on the ground. They summoned all the workers in the vicinity and carried Udayvir down – he was probably already dead. Some of them mentioned that he was breathing lightly and might not have been dead at that time. It needs to be mentioned here that in the Institute the usual practice for drawing electricity for buildings under construction is to draw it straight from the pole. Basically they just insert two large nails and an iron rod between them and the wires are simply hooked on them (just like how it is drawn for illegal connections anywhere). When we showed our dismay at such primitive practices and enquired whether this is the usual practice all over, we were informed that this was not the case. For example in Rajasthan (where stone work is very common and polishing is done regularly) they have proper plugs and other basic safety measures.

The manager and the site manager of M/s Raitani were there on the site and when they got to know of the accident they took charge. They said that they will take Udayvir to a nursing home and that one of the workers could accompany them in their car and the rest ought to go back to work. They repeatedly told the other workers not to tell anyone about this incident. Three workers could manage to accompany the body in the car which was driven to a private nursing home on the Bithoor Road. The workers could not tell the name of the nursing home but the name of the doctor was Dr. Naveen Srivastava. The

doctor did some preliminary examination and declared him dead. At that point the two managers called for an ambulance and advised the accompanying workers to take the body immediately to Udayvir's native village in Banda. To quote "*ghar le jao, hum gadi kar diyen hain, kissise kuch bolna nahin, seedhe gaon le jao, hum bhi tumhare saath chalne ko tayyar hain.*" (Take him home, we have arranged for a vehicle, do not say anything to anybody, take him directly to his village, we will also accompany you).

When the workers protested, they threatened "*lafde main fas jaoge, ise le jao, kiraya bhada main doonga. Aur mat kahna ki current laga hai, kahna ki heart attack hua hai*" (you will be in trouble, take him from here, we will pay for the fare, and if somebody asks do not mention that he has died of electrocution, just say that he has had a heart attack).

Meanwhile the workers could manage to call up the cousin, who was at another site, with the dead man's mobile. This cousin reached the nursing home and called up Mr Ramjit Yadav (the elder brother of the deceased) who, as we mentioned earlier, was on a bus on his way home to Banda. Ramjit asked the workers not to allow the managers to send the body over to the village and instead to take it back to the Hall IX site. He also told them that he would reach Kanpur with the family the same day.

When the workers demanded that the body be taken back to the Institute, the managers got angry and shouted at them '*kahe pareshan kar rahe ho, phans jaoge*'. (Why are you creating a fuss, you will get caught).

Still the workers were able to persuade them to take the body back in the vehicle. But at the gate, the SIS guards on duty stopped the vehicle and said that they would not be allowed to take a dead body inside without permission. When the guards sought permission from the Control Room they were given several conflicting orders. After about 20 minutes of messages being sent back and forth the workers were told that they do not have the permission to come inside and that they should go to the Kalyanpur thana to report the incident. The managers of Raitani once again tried to dissuade them from reporting the matter and said that that would only make matters worse for the family.

The group of workers decided to go to the police. When the vehicle reached the Kalyanpur thana they found that the Raitani managers had reached there before them and seemed to have already had a conversation with the Thana incharge. The cousin of the deceased filed a report of the incident, the FIR, at around 2.30-3:00 pm. The police took charge of the body and when they reached Hallett for medical examination the workers realised that the managers had preceded them there too. Concerns were voiced that the managers were trying to influence the doctors conducting the post mortem.

The post-mortem took place around 11 a.m. on 31st August at LLR (Hallett) Hospital. All through the night the employees of the contractor (M/s Raitani) kept making visits to the hospital where the body was kept. All the persons interviewed fear that the post-mortem report may be tampered with because of some negotiations which might have taken place between the contractor and the concerned hospital authorities.

Mr Ramjit Yadav and the family reached Kanpur late in the night on the 30th of August. Since then he has been contacted several times by the contractor's men for a settlement. To quote "*shanti se baat chit karten hain aur aapas main sulah kar leten hain. Aapne post mortem bekaar karwaya, aapke bhai ko chid faad hone se bacha lete – kya zaroorat thi is sab ki, bekar main khoon baha bhai ka*". (Let us discuss this calmly and let us resolve this among ourselves. It was pointless to get a post mortem done; we could have saved your brother from being cut by the doctor's knife – what was the need of all this, needlessly you have let your brother bleed now). These men have also been calling up several people associated with the family including the cousin and a distant relative of theirs to work out this 'settlement'. Till now Mr Ramjit Yadav has refused to have any discussion on this with the contractor.

Udayvir's body was cremated in the government electric crematorium on 31st August, 2007.

Till filing this report the concerned officials of the Institute have not contacted the family of the deceased, nor given any formal notification of the incident, nor filed a report with the police on this unnatural death which occurred within the Institute premises.

Serious Issues Regarding the Incident

The incident and what followed raises serious issues on several fronts. We have tried to list some of them below:

- The first is the issue of the extremely unsafe working conditions in the Institute. The Institute as a principal employer has seriously lapsed on several counts including not monitoring the sub-contractual practices, not providing any health care facility to the 2000+ contract workers working in the campus and not providing for any work-related accident insurance for the workers. (This clause is mentioned in almost all contract documents given out by the Institute, and yet none of the contractors have insurance policy for workers).
- Two and a half days have elapsed since the incident and till the filing of this report the Institute has not registered it in any formal forum. There has been no police report filed, no attempt to establish contact with the family, not even a security report has come through. It is a matter of serious security concern that a dead body could be removed from the campus without the concerned authorities intervening. The security actually actively prevented the accompanying workers from bringing the body of the deceased back to the work site. The authorities seem to have completely shrugged off its responsibility of the absolutely unnecessary death of a 24 year old person working for the Institute.
- And finally the Institute with its absolute inactivity regarding the mishap seems to have helped the contractor to cover up the whole incident. We fear that the whole episode may be passed off as merely a 'heart attack' and the unfortunate family may be denied not only the dignity of a correct investigation of the event which

lead to the death of Udayvir, but also that the contractor and the Institute may absolve themselves of all responsibilities to provide adequate compensation.

Our Recommendations

1. **A proper Institute level enquiry into the whole incident.**
2. **A policy measure to be implemented for safe work practices in the campus.**
3. **Emergency medical care and first aid be available to all workers at/close to work sites.**
4. **A group insurance policy to cover all work related mishaps in the campus.**
5. **Complete personal identification records (employment cards) for all persons working in contractual mode for the Institute (in particular this should include petty contractors and all their workers at all levels).**
6. **An *immediate and adequate* compensation to the family of Mr Udayvir Yadav.**

Compensation Due to the Family of Mr Udayvir Yadav

According to the quick calculations done on the basis of the Workmen's Compensation Act, 1923, the compensation works out as follows:

The age of the deceased:	24 years
The monthly income of the deceased	Rs 8000- Rs10000
The relevant factor for lump sum compensation in case of death:	218.47 (from the table provided in the Act)
The compensation calculated by: the above data	$(monthly\ income) \times 0.5 \times (relevant\ factor)$
@ Rs 8000 per month:	$8000 \times 0.5 \times 218.47 = \text{Rs } 8,73,880/-$
@ Rs 10000 per month:	$10000 \times 0.5 \times 218.47 = \text{Rs } 10,92,350/-$

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