

Indian Institute of Technology Kanpur
Minimum Wage Monitoring Committee

To: Mr. K V Satyamurty
In charge, VH
IIT Kanpur

June 15, 2007

Sub.: Response of M/s Vihar Ahar for the Complaints Filed by MWMC

Dear Mr. Satyamurty,

We are in receipt of the response of the contractor to the complaints filed by us on May 11th and May 14th. We have the following comments on his response:

1. The payment for the month of May, 2007, has yet to be paid by the contractor though the wage slip was issued by us for the VH contract on 31st May. We can provide you month by month details which will demonstrate the consistent late payment record of the contractor, right since he has been making payments in the wage office. Hence it is a baseless charge that his payments have been delayed because of late issue of slips. If any slip(s) have not been issued it has been only because he has not made full payments or there have been pending enquiry/ complaints against him which have been regularly the case. The contractor knows that the procedure demands that all the disbursement, including all the advance payment, is expected to be done in the wage office, but there are no records in our office that he has paid any advances to the workers contrary to what he claims.
2. The contractor says that he has been paying in front of the 'vigilant' minimum wage officials but the same officials have filed innumerable complaints against him on a regular basis. There have been continuous complaints against the contractor in *all* his contracts – even the DOSA has issued a show cause notice against him and successive COW chairpersons have warned him. To us the 'proof' given in the form of signed affidavits from all the workers is of not much relevance, and must have been coercively obtained, because, the same set of workers have not only given us signed complaints but also repeatedly met us to complain that significant part of their wages are being taken back. Further, the contractor has still not given the bank a/c number s of any of the workers where the money is being transferred. Without that giving the cheque details are

meaningless as the bearer cheques are open to manipulation, as has been our repeated experience.

3. On the Mr Rajesh Messy case, it appears that he became a 'problem' (careless and 'negative attitude') post-hoc, only after a complaint was filed against the contractor on his behalf. Further on the signed 'confession' apparently by Mr. Messy the MWM volunteers are in the know of the sequence of events which led him to do it as he had informed one of our student volunteers immediately after doing it. Apparently he has been asked to sign a blank paper, which he had done in good faith, as he was assured that he'll be reinstated on his job once he signed on it. Therefore we need to keep the June 1st letter signed by him (it is obviously not written by him because the signature and the body of the letter bear two different handwritings) in a proper perspective. Mr Messy has again told us that he has not encashed the cheque as he had returned it to the contractor; in any case as we all know, bearer's cheque can be encashed by others also.
4. A contractor cannot be given complete freedom to fire anybody arbitrarily without any basis. If we let that happen then whoever dares to complain against malpractices would be harassed by the contractor or summarily removed from his employment. And this would make it very difficult for the Institute to discharge our minimum legal responsibilities as principal employer, as per the Contract Labour Act 1970, hence we must ensure a *due process*.

Our overall opinion on the response of the contractor is that it is largely an eye wash and he has not been able to produce any new facts except for 'inventing' a few letters from the workers based on, most likely, intimidation and threats. We suggest the following course of action:

1. An independent enquiry committee should be set up to look into all these complaints and the contractor's response, which can talk to all the parties and study all the evidence available and come to its own conclusion. If the charges are proven correct and it comes out that the contractor has been fabricating false evidence then an exemplary action must be taken against him.
2. A list of all the workers should be provided and all of them should be issued employment cards by the contractor.
3. The details of the bank accounts of all the workers should be provided along with the details of the money transferred into those accounts on a regular basis.
4. Due process must be followed in case there are any charges against a worker.
5. Mr Rajesh Messy has already been out of job for more than a month. He should be given an interim payment or an interim arrangement should be made for him till the enquiry is completed and a final decision is taken.

We also request you to talk to all the workers concerned and apprise them of the confidence building measures that you have been taking to ensure that they feel empowered and refuse to sign such false documents under any threat in future.

Do please let us know if you need any further information from us.

Sincerely,

Rahul Varman

Acting Chairperson

Copy to: Director, Deputy Director