

Minutes of MW meeting held on Wednesday, July 4, 2007

The main topic of discussion was the mess contracts for Halls 1, 5, 6, 8 and 9. The final meeting of the committee (including DOSA, CoW Chair, Legal Cell Advisor C. P. Singh, Assistant Registrar V. P. Singh, wardens and mess secys / committee members of the concerned halls) created to decide on the mess contracts took place yesterday (July 4). During this meeting, each of the selected contractors made a presentation and answered questions by the committee members before the final decision was made. Despite repeated requests from the MWMC, there was no formal MWMC representative on this committee. However, Vikram Pagaria (Hall 5 maintenance secy and member of the mess committee) and Nilesh Shukla (Hall 9) were members of the committee and did attempt to raise the minimum wage issue during these discussions. According to both Vikram and Nilesh, despite an opening statement by the DOSA in which he said that this new system of granting mess contracts (instead of the old L-1 bid method) was to ensure payment of minimum wages to the workers, there was no support from any other committee members when questions regarding minimum wages were raised by the two of them during the ensuing discussion. Some of the significant highlights of the meeting are as follows:

- There were five primary selection criteria – Years of experience in academic / hostel catering (minimum 5 years), Financial status (minimum 80 lacs yearly turnover), Performance report over the entire career of the contractor, Performance report for the past three years of work and then each of the contractors were to make individual presentation which had 30 percent of the total weightage. There was no mention of minimum wage payment record anywhere. The performance reports included only two criteria – quality of food / service and resourcefulness. Each contractor was awarded a grade for each of the five criteria, and anyone with less than two As or even one C was disqualified.
- Based on the above system, 8 out of the 12 contractors (whose tenders had been accepted) were disqualified, including P D Gatti (the current Hall 7 mess contractor). Interestingly, in the tender documents of P D Gatti, one of the signatories as a Director was Karan Singh, who was also one of the signatories for Vihaar Ahaar. When this was pointed out as evidence of the two being sister concerns and hence ineligible for competitive bidding, the contractor said that this was legally permissible and cannot be made a basis for disqualifications and the Institute authorities did not dispute this claim. P D Gatti was disqualified on the basis of lack of appropriate experience – they have been in the catering business for just about 5 months!
- The four short-listed contractors are: Vihaar Ahaar (with the highest grades), N. Kumar (from Bombay), VR Vyanjan (from Kanpur), and Asha Catereres from Bombay. Since no contractor will be given more than one mess contract, and effectively there are only 4 contracts being offered (Hall 6 is combined with Hall 9), it appears inevitable that Vihaar Ahaar will get at least one mess contract. Which Hall gets which contractor is based on a complex system of preference listing by both the Halls and the contractors. Both parties will give a ranked list of three preferences, and the contract will be awarded on the basis of coordinating preferences.
- At the end of the meeting, each of the Halls submitted their ranked list of preferences to the DoSA. The lists of Halls 1, 5, and 9 did not include Vihaar Ahaar in this shortlist. Only Hall 8 opted for Vihaar Ahaar as one of its shortlisted three.

- When Vikram questioned Vihaar Ahaar about its dismal minimum wage payment record, the VA representative sidlined the issue by complaining about the adverse affect on workers' relationship with the contractor due to too much interference by the MWMC. When questioned about VA's practice of taking back wages, the VA representative admitted that such was the case and offered two reasons for doing so – workers' families having been paid certain amounts at their home place and extracting payment for food consumed by workers in the mess. It is important to note that payment for food is already cut from the wages paid to these workers in the minimum wage office. So far the accepted norm was the deduction of Rs. 25 per day for food; this committee has now decided that the deduction will be Rs. 35 per day for food.
- When Vikram and Nilesh raised the minimum wage issue during discussion, the Institute authorities claimed that it is NOT the Institute's responsibility to ensure payment of minimum wages to workers. The Institute can only recommend that this be done, but no contractor can be penalized for defaulting on this issue. This blatantly contradicts the Minimum Wage law which clearly holds the principle employer (in this case, IITK) responsible for ensuring payment of minimum wages, failing which the principle employer is seen to engage in the practice of bonded labour which is a non-bailable felony charge.

It was clear from the above that minimum wage is NOT a priority for the Institute authorities. Apart from open statements to this effect, the inclusion of Vihaar Ahaar – a contractor against whom the DoSA office has itself issued a showcause notice – in the shortlist, clearly indicates this Institute apathy. In light of these alarming developments, we decided to take the following steps at the earliest:

Writing to the Director regarding the Institute's stated inability to enforce minimum wage payment on campus and therefore the necessity of raising this issue at the next Board of Governors meeting. (Harish)

Filing an RTI regarding the shortisting of Vihaar Ahaar despite MWMC complaints against this contractor as well as a show cause notice issued to it by the DoSA office. (Suchitra, Manali, Rahul)

Following up on the response given by the Institute on the RTI filed by Harish. This response barely deals with one out of four points raised by this RTI and is, therefore, unacceptable as a response. In such a case, the first appellate authority is the Director and so a complaint will be filed to him in this regard.

Creating a specific 'Minimum Wage' post in each HEC to make one person officially responsible for overseeing this issue in each of the Halls. Vikram will initiate this in Hall 5.

Contacting the Hall 8 wardens / other HEC members to make them aware of Vihaar Ahaar's poor performance record so as to reconsider their including this contractor in their list of three preferences.

Contacting wardens / HECs of all concerned halls to spread awareness about the minimum wage issue and to request their cooperation in ensuring payment of minimum wages to contractual workers in their respective halls.

To campaign for retention of the workers in the mess even if the contractors change in the Halls – a letter to this effect can be issued by the HEC. Basically the reason to be given is that since most of the Halls found the quality of food and service ‘excellent’ it would imply that the workers were able to provide adequate service hence ought not to be penalized and their serviced ought to be continued. (Vikram Hall V, Nilesh Hall IX)

Attempting to implement an alternative labour supply mess contract model in Hall 6 since Hall 6 appears to have been effectively rendered invisible as a separate entity in all these official proceedings.

Making the dissemination of information related to the minimum wage issue on campus part of the orientation programme for new students that is scheduled for July 24-29, 2007. Harish will contact Head Counselling for this purpose. The information can be distributed in the form of both a flyer as well as a short presentation by MWMC volunteers during the orientation programme.

The Rajesh Massey issue was discussed again. According to a letter from Mr. Sathyamurthy (Visitor’s Hostel), Vihaar Ahaar has promised to employ Mr. Rajesh Massey in Hall 5. However, in light of the fact that Vihaar Ahaar may not continue as the mess contractor for Hall 5 for very long, it was considered important that an appeal be made once again that Mr. Massey be re-employed in VH at the earliest.

Rahul also shared briefly the developments in one of the construction contracts. Around 20 workers met some of the MWM volunteers and apprised them of the dismal wage payment practices by the contractor. Neha already has send minutes for the meeting. We need to think as to how can MWM intervene in this issue. The next meeting with the workers is on the 17th of July (Tuesday) at 5.30 pm in the jhuggi.

On a positive note, the efforts of MWMC and its volunteers along with the support of Institute authorities (specifically Mrs. Veena Sharma) concerned with the Visitor’s Hostel, has resulted in ensuring that all VH contract workers are now receiving their full due minimum wages. However, not all these workers have bank accounts as yet, which means that many of them are still being paid by bearer’s checks rather than through direct deposit into their accounts. This needs to be remedied at the earliest.

As you can see, a lot has been happening recently, and much needs to be done. Please join in with the above listed action plans and suggest other courses of action to ensure that the minimum wage issue becomes a top priority in the Institute.