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CENTRE OF INDIAN TRADE UNIONS
172, Lenin Sarani : Calcutta - 13.

PRESS COMMUNIQUE:

2nd August 1972.

B.T.RANADIVE, PRESIDENT CITU WRITES TO
PRESIDENT OF INDIA SEEKING INTERVENTION
AGAINST VIOLATION OF COURT ORDER BY JAY
ENGINEERING MANAGEMENT.

1st August 1972.

"Shri V. V. Giri,
President of India,
Rashtrapati Bhawan,
New Delhi-1.

Dear Shri Giri,

The Centre of Indian Trade Unions has drawn your attention on a number of occasions to the lawless situation that exists in West Bengal under the Congress regime and the murderous goonda attacks on our organisations and the illegal occupation by Congress hired elements of the offices of a number of trade unions affiliated to it.

I have to note with regret that inspite of our representations to you personally by the representatives of our organisation there is hardly any change in the situation.

I am writing to you to bring to your notice another sequel of this anarchy - the utter contempt shown towards the orders of the Court including the High Court and the impunity with which the manager of a factory and anti-social elements hired by the ruling party are allowed to violate the Court directives.

The case covers a number of office bearers of Jay Engineering Workers' Union, who are employed in Usha Sewing Machine Company, 185-A Prince Anwar Shah Road, Calcutta-31.

I may point out that Mr. Charat Ram - a well-known figure in India's industrial world - is the Chairman of the Board of Directors of the Company.

Four workers, Sushil Roy, Executive Member of the Union, Robin Chowdhury, Executive Member, Pelab Mukherjee, Assistant Secretary of the Union and Ramendranath Bhattacharjee, Executive Member - all employed in the Usha Sewing Machine Company owned by Messrs. Jay Engineering Works Limited were either assaulted or threatened with assault by rowdies employed by the ruling party, in order to prevent them from attending to their duties in the factory.

Shri Pelab Mukherjee, Robin Chowdhury, Sushil Roy, Ramendra Nath Bhattacharjee along with many others were attacked on 6th March 1972 at the sewing machine factory gate by miscreants who also used fire arms to intimidate and terrorise the workers. They lodged a complaint with the police. They have been unable to join duty since then.

They filed a petition in the Calcutta High Court under Article 226 of the Constitution of India and for directing the police officers to act in accordance with law.

The Government of West Bengal, the Inspector General of Police, the Superintendent of Police, 24 Parganas, etc. were made parties to the dispute along with the rowdies and the management.

On 3rd April 1972 the High Court passed an interim order restraining those who were cited as directly preventing the four workers from attending their duties, from interfering with the entry of the petitioners for attending their duties into the factory. It also ordered that a rule be issued calling upon the opposite parties to show cause why a writ in the nature of mandamus should not be issued directing the opposite parties No.1 to 8, i.e. West Bengal Government and the police and other officials, to act in accordance with law, ensure safety of the petitioners and investigate the accusations made against respondents 9 to 22, i.e. the rowdies that were mentioned.

But it seems the parties concerned including the police officials did not take the High Court order seriously.

The Workers concerned were not allowed to resume their duties and no effort seems to have been made to book the rowdies.

Three weeks after the High Court passed its order, on 25th April, the General Secretary of the Union had to write a letter to the Superintendent of Police, 24-Parganas again detailing the attacks and assaults. He wrote similar letters to Superintendent of Police, Inspector General of Police and the Home Secretary on several occasions but with no results.

There is hardly any evidence that during these three weeks the police officials concerned took steps to investigate on their own the complaints that were already before them and to which the High Court order had drawn their attention.

When the arm of law was behaving in this scandalous fashion, the management of the factory, which knew from the High Court order that the workers were complaining of assault, to prevent them from attending their work, broke all records in unscrupulousness and decided to dispense with their services under the plea that they have been absenting without permission. In letters dated 28th April 1972 and 5th May 1972, when the management knew that petitions of the workers were pending before the High Court for final disposal, it issued individual notices saying that in view of their absence the Company considers that they have left its service of their own accord. Mr. President, can any one beat this cynicism and lack of scruples ? Here the workers are solemnly appealing before the High Court complaining that they were in danger of assault on their person and are unable to attend their duties and calling for its intervention. And the management knowing full well the facts from the High Court order which was sent to it, serves a notice on the workers saying that they have voluntarily left the job.

Is this not open collusion with the rowdies to anticipate the decision of the High Court ?

Finding that the management was out for getting rid of them, Sushil Roy and eight other workers prayed for an injunction in the Court of the First Munsiff at Alipore on 2nd and 10th June 1972. The Court granted an ad-interim injunction restraining the management from giving effect to its notice dated 28th April and 5th May 1972 till the hearing of the petition for temporary injunction.

Backed by the attitude of the West Bengal authorities the management seems to have decided to defy the order of the Court.

On the eighth of June - Pelab Mukherjee one of the workers was refused admission into the factory. On the same date, Shri Pelab Mukherjee writes to the General Manager:

"This is to place on record that I have come to your factory to resume my work. You have neither allowed me to punch my attendance card nor I have been allowed to resume my duties, in spite of the order of the 1st Munsiff of Alipore passed in T.S. No.106 of 1972 which has been shown to you."

The Labour Officer of the Company was of course not impressed by the Court's order. He said, "The matter is being looked into at higher authorities' level and further decision will be communicated."

Mr. President, this is the state of law and order in West Bengal, the respect shown to the Court's order by the management and its Labour Officer. Have the words, law, courts, rule of law and the Constitution any meaning, if this anarchy is permitted by the Government and workers are forcibly prevented from joining their work or deliberately refused the job, which they are legally entitled ? It is now 1st August and to this day the management has refused to withdraw the notices of termination of services given to the four employees.

Mr. President, another and an equally serious aspect of the case is the scandalous and partisan attitude of the police officials directly with the encouragement of the ruling party. In our previous memorandum we have given sufficient evidence of this. In the present case, it should be noted that after 3rd of April 1972, when the High Court issued a rule to the police officials, the assaults have not stopped. They increased and the union leaders wrote repeatedly to the officials concerned to intervene and enable them to resume work.

Let me quote you from only one representation, that dated 27.4.1972, addressed to the Superintendent of Police, 24-Parganas - made 20 days after issue of rule by the High Court. The representation lists four new attacks since the High Court order along with recapitulation of earlier attacks and says: "In most of the cases, the complaints have been made before the O.C., local police station and in many cases, the attention of the higher authorities, i.e. D.M. of 24-Parganas, Police Commissioner, Calcutta, etc. has been drawn. But to our surprise, we found that no fruitful steps have yet been taken. On the contrary, the hoodlums have taken the full liberty of threatening, intimidating indiscriminately. The Union office has been attacked and important union functionaries and office-bearers are forcibly prevented from reporting to duties and opening union offices. When complaints are lodged with the O.C. of the police station against the miscreants, threats come afresh against the complainants...."

This is the state of affairs three weeks after a High Court judge has issued a rule calling upon the opposition parties why a writ in the nature of mandamus should not be issued directing the opposition parties (Police Officials) to act in accordance with law, ensure safety of the petitioners and to investigate the accusations made against other respondents.

Obviously both the rowdies and the police treat the High Court order as a joke. The West Bengal Government authorities who are conversant with the facts encourage this attitude.

What remains of law, order and Constitution under these circumstances ? Here rowdies and gangsters have precedence over

the Courts; the arm of law lends help to illegal attacks on life and property and the Governmental authority undermines all constitutional norms to attack the basic rights including the right to live, of citizens whom they do not like.

Is it too much to expect that you will intervene to bring the officials and others who in collusion with gangsters are undermining the basic rights of citizens and restore to the affected workers their right to follow their jobs ?

Yours sincerely,

Sd/- B.T.Ranadive
President."

The News Editor,

favour of publication. for

