

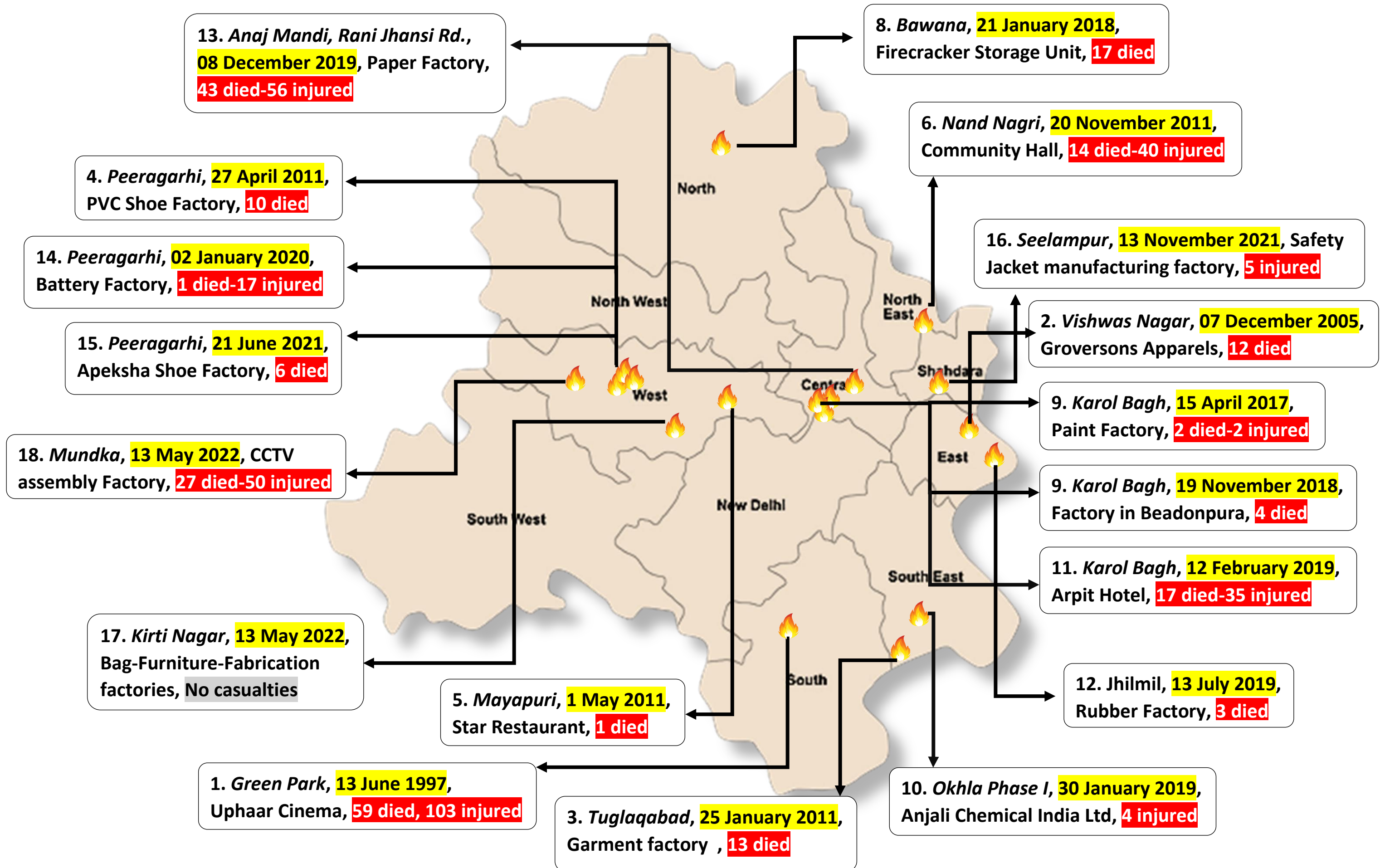
EASE OF DOING VIOLATIONS

The Mundka Factory Fire
and a Pattern of Criminal
Negligence in Delhi's
Industrial Areas

A Report by COLLECTIVE Delhi



FIRE INCIDENTS IN FACTORIES OF DELHI



The Sadness Narrative

The narrative of sadness and tragedy narrative obscures the criminal negligence on part of government officials in collusion with the owners continuing illegal practices of unsafe working conditions for the sake of profit. The family members of a deceased person, who have died because of the inhuman working conditions and systemic negligence are often angry and are in desperation, not just saddened. It raises the doubt whether the thoughts of the political leaders are really with the families, or with the owners of the factories, who are temporarily in a mess!



Narendra Modi @narendramodi · May 13

Extremely saddened by the loss of lives due to a tragic **fire** in Delhi. My thoughts are with the bereaved families. I wish the injured a speedy recovery.

1,528

6,284

44.7K



Narendra Modi @narendramodi · Jan 21, 2021

Anguished by the loss of lives due to an unfortunate **fire** at the @SerumInstIndia. In this sad hour, my thoughts are with the families of those who lost their lives. I pray that those injured recover at the earliest.

1,045

6,256

49.7K



Narendra Modi @narendramodi · Dec 8, 2019

The **fire** in Delhi's Anaj Mandi on Rani Jhansi Road is extremely horrific. My thoughts are with those who lost their loved ones. Wishing the injured a quick recovery. Authorities are providing all possible assistance at the site of the tragedy.

1,401

4,212

28.3K



Narendra Modi @narendramodi · Nov 4, 2020

Anguished by the loss of lives due to a **fire** in a godown in Ahmedabad. Condolences to the bereaved families. Prayers with the injured. Authorities are providing all possible assistance to the affected.

1,738

3,799

47.5K



Narendra Modi @narendramodi · Jun 7, 2021

Pained by the loss of lives due to a **fire** at a factory in Pune, Maharashtra. Condolences to the bereaved families.

1,216

6,007

55.3K



Arvind Kejriwal @ArvindKejriwal · May 13

Shocked and pained to know abt this tragic incident. I am constantly in touch wid officers. Our brave firemen are trying their best to control the fire and save lives. God bless all.

777

977

3,717



Arvind Kejriwal @ArvindKejriwal · Dec 8, 2019

We have lost more than 40 innocent lives to the tragic **fire**. I've ordered a magisterial inquiry into its cause, no culprit will be spared

We can't bring back lost lives, but Delhi govt will provide ₹10 L assistance to families that lost their loved ones & ₹1 L for the injured.

480

1,307

5,746



Arvind Kejriwal @ArvindKejriwal · Jul 13, 2019

Shocked to know about three deaths in a factory **fire** in Jhilmil Industrial area. **Fire** Services personnel tried their best to bring the **fire** under control in hostile conditions. Am visiting the site wid Industries Minister

183

455

2,369



Arvind Kejriwal @ArvindKejriwal · Feb 7, 2021

Concerned about the news of **fire** incident at Okhla. I am constantly in touch with the **fire** department and the district administration, people are being provided with all possible help.

226

668

4,051



30 workers died in West Delhi's Mundka industrial area after a CCTV and router assembly plant caught fire in the afternoon of Friday, 13 May 2022. A majority of those who died were young migrants from Bihar, Punjab and Haryana, including 22 women, earning between ₹6,500 to ₹7,500 per month. The facts of the case are now well known.

A team from *COLLECTIVE* Delhi visited the site and Sanjay Gandhi Memorial Hospital where the deceased were taken on the morning of 14 May. We found that the property had not received necessary clearances from the Municipal Corporation of Delhi (MCD) for industrial use and tenant verification had not been undertaken by Delhi Police. Neither had working conditions been inspected by the Delhi Government's Labour department, nor had the requisite compliance approvals been granted by its Fire Services department. The corporate-owned press repeatedly termed the incident as a 'tragic accident', with condolences messages tweeted by Prime Minister Narendra Modi and Chief Minister Arvind Kejriwal.

After having conducted several such fact-finding visits in the past, including another factory fire in Delhi's Anaj Mandi area which killed 43 workers and severely injured 67 in December 2019, a familiar pattern appeared soon after¹. Compensation packages for the deceased were announced from the PM's National Relief Fund and the owner of the factory premises and the manufacturing company were arrested by Delhi Police under the IPC's sections 304A— 'causing death by negligence'—and 308— 'attempt to commit culpable homicide'.

The Mundka incident was big, otherwise these incidents draw marginal attention. On the same day of the Mundka incident, fire broke out in three bag factories at Kirti Nagar. The very next day, on 14 May, another major blaze was reported in Delhi's Narela industrial area.

This report argues that fire deaths and other occupational hazards are a 'tragic' but necessary cost for profit-making in the national capital's industrial hubs today. The maze of approvals required for operationalising such manufacturing units are seen as an impediment to India's growth story. Indeed, these 'costs of compliance' are sought to be reduced by recent changes in labour laws which promise greater 'ease of doing business' in India (see pg.4).

Workers' deaths and injuries make headlines only when they are of a shocking magnitude. Post-facto remedies, such as arrests and compensation packages, attempt to pacify public anger when such incidents are in the limelight. Rarely do such arrests result in powerful corporate owners being convicted (pg.12). The structural conditions which push these largely-unregulated industries into violating all safety norms remain unchanged. Many times, these small-scale plants are integrated into massive, transnational supply chains as 'outsourcing agencies' or 'vendor companies' serving major corporate monopolies (pg.6). This is seen as the only possible path to economic growth for 'developing' nations like India.

1. *COLLECTIVE* Delhi. 8 December 2019. 'It is normal for a hundred workers to burn in New India: Fact-finding report on the Anaj Mandi factory fire'. shorturl.at/kowJ9.

INTRODUCTION

We are not alone. In 2012, a garment manufacturing unit in Dhaka, Bangladesh caught fire, killing 117 workers and injuring over 200. Tazreen Fashion was a major supplier for the US armed forces and retail chains like Walmart. Investigations revealed inhumane 'sweatshop' working conditions that had been flagged for years before the tragedy. Militant protests by garment workers forced the Bangladesh government to declare a day of mourning and institute new workers' safety laws. The factory owners were charged with 'death by negligence' 14 months after the incident, a first in the South Asian manufacturing hub's history. The trial drags on close to a decade later². Meanwhile, another garment manufacturing plant collapsed in April 2013, killing over 1,100 workers³.

We do not write these words to shock anyone. Working people of the world have borne these miseries for far too long to be shocked by a few more deaths at the altar of profit. We merely call on you to take sides.

In 1911, New York City, USA, the Triangle Shirtwaist factory fire killed 146 garment workers, the majority of whom were immigrant women. It spurred a powerful working women's movement that fought for some of the workplace protections that the rich now take for granted. Yet, incidents like Mundka and others, outlined in the report that follows, remind us that we have a world to win for dignified lives and livelihoods of the toiling majority.

We leave you with the words of the socialist union leader Com. Rose Schneiderman, who said at a memorial for the Triangle Shirtwaist fire martyrs:

This is not the first-time girls have been burned alive in the city. Every week I must learn of the untimely death of one of my sister workers...

We have tried you citizens; we are trying you now, and you have a couple of dollars for the sorrowing mothers, brothers and sisters by way of a charity gift...

The strong hand of the law beats us back, when we rise, into the conditions that make life unbearable...

*Too much blood has been spilled. I know from my experience it is up to the working people to save themselves. The only way they can save themselves is by a strong working-class movement.*⁴

2. *The Daily Star*. 16 May 2022. '9 years of Tazreen tragedy: Victims don't believe justice will ever be done'. shorturl.at/civN0

3. *Wall Street Journal*. 20 November 2013. 'Safety Groups Agree on Standards for Bangladesh Garment Factories' shorturl.at/fFI13

4. Rose Schneiderman. 2 April 1911. 'We Have Found You Wanting'. shorturl.at/cwAV7

The word ‘accident’ obscures the very fact that the overwhelming majority of the industrial injuries are caused due to inadequate safety measures ensured by the owners to extract maximum profit.

The word ‘accident’ obscures the fact that who gets ‘lucky’, today, has a class character.

Management is able to control, to some degree, the factors that produce 98% of all workplace accidents. Uncontrollable acts account for 2% of all workplace accidents. (Source: dgfasli.gov.in, 2019-20, Introduction to effective Incident/Accident analysis, pp-3)

The word ‘accident in doing a lawful act’ is defined in Section 80 of IPC as- “Accident in doing a lawful act. —Nothing is an offence which is done by accident or misfortune, and without any criminal intention or **knowledge** in the doing of a lawful act **in a lawful manner by lawful means** and **with proper care and caution.**” (Bold ours). Any person having minimum knowledge of industrial conditions in India will not be able to fit the cases of industrial injuries into this legal definition of ‘accident’.



Green Park, South Delhi

13 June 1997

59 died, 103 injured

Enterprise

Uphaar Cinema Hall

What Happened

Electric transformer fire leading to stampede

Negligence found

Improper electrical maintenance

Immediate Police action:

Cinema Hall owner, Ansal brothers were arrested

Follow-up Police action:

The Association of Victims of Uphaar Fire Tragedy (AVUT) filed the landmark civil compensation case and won ₹25 crore (equivalent to ₹53 crore or US\$7.0 million in 2020) in compensation for the families of the victims.

In June 2017, Rajasthan government directed the Police department to not to register cases under 304 but under 304A in cases of industrial fatalities. The government defended the move in the name of promoting ‘ease of doing business’⁵.

304 IPC (non-Bailable): Culpable homicide not amounting to murder. — “Whoever commits culpable homicide not amounting to murder shall be punished with - imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.”

304A IPC (Bailable): Causing death by negligence. — “Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

5. <https://timesofindia.indiatimes.com/city/jaipur/rajasthan-directs-cops-not-to-invoke-section-304-in-industrial-accident-cases/articleshow/59374841.cms>



Vishwas Nagar, East Delhi

07 December 2005

12 died

Enterprise

Groversons Apparels Pvt. Ltd.,
Garment-manufacturing Factory

What Happened

A stain removing machine on the second floor caught fire along with drum of inflammable solvents

Negligence found

Neglection of basic structures concerning occupational safety and health due to heavy cost-cutting

Immediate Police action:

Within three-four days the owner, manager, factory in-charge and the contractor had all been arrested


Follow-up Police action:

The Delhi government announced a compensation package of Rs. 1 lakh for the deceased and Rs. 20,000 for those injured.

In India, the factory owners and corporations are usually not charged with severe clauses with the belief that it will harm the investment-friendly atmosphere. Different countries including the UK and Australia have laws to hold corporations and their officials accountable in cases of deaths/injuries caused by serious lapses in the safety management.

The Committee for Reforms in Criminal Laws set up by the Ministry of Home Affairs, has asked for responses through a questionnaire⁶, which includes the question- ‘Should “Corporate Homicide” be penalised as an offence under the I.P.C.? If yes, what should be the elements and quantum of punishment for the offence?’

6. <https://criminallawreforms.in/questions-pdf/Questionnaires-for-Consultation-on-Substantive-Criminal-Law.pdf>



Tuglaqabad, South East Delhi

25 January 2011

13 died

Enterprise

Garment factory ‘Amazing Creations’

What Happened

Fire occurred on the fifth floor of the factory when a boiler burst leading to collapse of roof

Negligence found

Negligent conduct with respect to machinery

Immediate Police action:

FIR registered but no one was arrested

Follow-up Police action:

NA

Can profit-making motive ever ensure safe and dignified working conditions?

It is said that if the bribe paid to administrative officials to avoid inspections plus the average cost incurred on compensating workers in cases of injuries over a particular period remains significantly below the cost of installing safety measures in a factory, the factory owner will find it profitable to keep workers unsafe.

The bigger and established corporations generally subcontract the labour-intensive and hazardous activities outside their factory premises to other small companies who operate outside the purview of law. So, even when industrial safety becomes a public issue, the target is made on the smaller companies who remain in the lower-tier of the value chains.



Peeragarhi, West Delhi

27 April 2011

10 died

Enterprise

PVC Shoe Factory

What Happened

The building stored too many cartons and all the exits and escape routes were blocked as a result. There was a wire mesh on the walls that did not allow those trapped inside to jump. The windows were also blocked.

Negligence found

Various lapses in safety norms were found. The entry and exit were blocked. Owners closed the door from outside while the workers were working inside the factory.

Immediate Police action:

Narendra Singla the owner and the director, Subhash Kullar were arrested.

Follow-up Police action:

NA

Various departments of the local civil and police administration remain hand-in-glove with the owners.

Political parties get funding from these owners and remain on their side.



Mayapuri, West Delhi

01 May 2011

1 died

Enterprise Star Restaurant

What Happened Gas was leaking and someone tried to light a match

Negligence found Negligent conduct wrt combustible material

Immediate Police action: Case of causing death due to negligence, negligent conduct with respect to fire or combustible matter, causing hurt by act endangering life or personal safety of others and act endangering life or personal safety of others was registered by the police

Follow-up Police action: NA

Industrial irregularities/injuries do not find space in mainstream media till the issue becomes sensational.

The low-paid, precarious, economically and socially marginalised workforce of these factories do not have enough resources to voice their concerns.

14 pub-goers had died from asphyxiation in December 2017 when two South Mumbai rooftop bars caught fire. The posh Kamala Mills shopping district remained shut for days and Mumbai Police arrested the owners of the premises, the bars as well as two municipal corporation employees. Notably, they were charged under section 304 of the IPC—‘culpable homicide not amounting to murder’.



Nand Nagri, North-East Delhi

20 November 2011

14 died, 40 injured

Enterprise Community Hall

What Happened NA

Negligence found Fire due to a short-circuit in an electricity meter that was running a higher load than sanctioned.

Immediate Police action: The two accused persons – a contractor and an electrician were arrested (No government officials were alleged for the incident)

Follow-up Police action: They got bail within two days of the incident. The police filed a charge sheet in the case only on August 12, 2017 – more than six years after the incident.

The data on the number of fatal and non-fatal accidents in Delhi per year, collected by the office of Labour Commissioner, gov of NCT Delhi, shows a steady decline from 1988 to 2009. It was 1214 in 1988 and it dropped down to 40 in 2009.

This data cannot be interpreted in terms of reduction in the number of actual occurrences of industrial injuries, but an absolute fall in the government mechanism to collect data of industrial injuries⁷.

The data regarding the number of factories inspected during 2011-2016, shows a steady decline of inspection rate. (Data collected by DGFASLI through correspondence with Chief Inspector of Factories of States/ UTs, page-116) Source: DGFASLI (draft, undated), pp-116

7. <https://labour.delhi.gov.in/content/industrial-accidents>



Karol Bagh, Central Delhi

15 April 2017

2 died, 2 injured

Enterprise

Paint factory (Name not known, in Naiwala area)

What Happened

Short circuit and then rapidly spread because it contacted with a drum containing car polish

Negligence found

Semi residential and commercial building

Immediate Police action:

NA

Follow-up Police action:

NA

Arresting the owners just after any ‘big’ incidents are not just the eyewash but also a way to save the owners from public outrage. Almost inevitably, the owners get bail after a few days/months when the media attention subsides. In almost no cases, the owners got a jail imprisonment, as the police dilute the cases over time.

The available data of 2011-16 shows that no imprisonment has been awarded in cases of industrial injuries/deaths (pg-12 , of this report). Even in major cases of industrial injuries, the media attention subsides after the peak period and there is no reporting of what happened to these cases and usually all the accused get free with minor compensation.



Bawana Sector 5, North Delhi

21 January 2018

17 died

Enterprise

Firecracker Storage Unit

What Happened

More than 50 workers were trapped inside the factory unit because the door was closed from the outside when the fire broke out.

Negligence found

The firecracker unit was illegal as it had no license and flouted various safety norms.

Immediate Police action:

The owner of the unit Manoj Jain was arrested.

Follow-up Police action:

Nearly 4 years after the incident in 2021, the Delhi HC had directed the factory owner to deposit Rs. 34 Lakh with the commissioner under the Employees’ Compensation Act and ordered the release of Rs. 2 lakh each to the next kin of the deceased. The court although in an interim order passed earlier, had restrained the authorities from taking any coercive action against the factory owner.

Most of the factories are not registered, nor do they submit returns. Even for registered companies, the government does not even care to fulfil its formal responsibility of inspecting.

Even if a factory inspection happens, it usually ends up in an extra-legal settlement between owners and officials.

The other relevant departments responsible for giving permission to building plans after checking safety requirements are hand-in-glove.

Economic Census of 2016⁸ reveals that industrial units employing 10 or more workers account for only 1.66% of the total units in the non-agricultural sector. Thus, the Labour Code excludes the overwhelming majority of establishments from the coverage.

8. <https://msme.gov.in/sites/default/files/All%20India%20Report%20of%20Sixth%20Economic%20Census.pdf>



Karol Bagh, Central Delhi

19 November 2018

4 died

Enterprise

Factory name unknown (Beadonpura Area)

What Happened

Fire broke out due to the use of steam press and solvent used for laundering clothes spilt out on the floor contacted with that.

Negligence found

Ran illegally in a residential area

Immediate Police action:

Ajay Khurana and a case was registered under section 304.

Follow-up Police action:


But a year after, in 2019 the session judge dismissed the case by saying it was not a factory but a warehouse and the owner was not involved in any negligence.

Prosecution & Convictions under Section 92 & Section 96A in the Factories Act 1948 during 2011-2016 in Delhi

Year	Pending from Previous year	Launched during the year	Decided during the year	Convictions	Imprisonment (Person)	Total fine Imposed (Rs.)	Fine Imposed per Conviction (Rs.)
2011	394	398	107	107	0	13,77,000	12,869
2012	554	100	421	421	0	35,96,000	8,542
2013	233	22	166	166	0	1,58,900	957
2014	89	88	53	53	0	5,82,000	10,981
2015	124	63	27	27	0	3,22,000	11,926
2016	160	90	53	53	0	6,98,500	13,179
Total				827	0	67,34,400	8,143

Source: compiled from “National Occupational Safety and Health (OSH) Profile” (draft, undated in dgfasli.gov.in), pp-117-122.

The data shows an abysmally low amount of penalty imposed on an average for the cases of industrial injuries. In no cases, imprisonment of the responsible persons has been awarded.



Okhla Phase-1, South Delhi

30 January 2019

4 injured

Enterprise

Anjali Chemical India Ltd., Chemical Factory

What Happened

Fire broke out in the chemical car spray manufacturing plant and spread to neighbouring factories

Negligence found

Explosion in spray bottles

Immediate Police action:

Plot owner Vijaypal arrested, plant owner Diwakar was absconding

Follow-up Police action:

NA

“The informal sector is at present not getting covered by any OSH legislation. For ratification of ILO convention 155, the informal sector will have to be covered under an enabling OSH legislation. Further, ratification of ILO convention 187 will be possible only after putting the national OSH programme.”

National Occupational Safety and Health (OSH) Profile⁹ (draft, undated in dghasli.gov.in), Prepared by: Directorate General Factory Advice Service and Labour Institutes in collaboration with International Labour Organization (ILO). It also recommends a framework in agriculture and MSMEs.

9. https://dghasli.gov.in/sites/default/files/service_file/Nat-OSH-India-Draft%281%29.pdf



Noida Sector-12, Gautam Buddha Nagar

7 February 2019

35 injured

Enterprise

Metro Hospital

What Happened

Fire broke out in patients' wing

Negligence found

Short-circuit - Hospital's fire licence had expired

Immediate Police action:

NHRC issued notice taking suo moto cognizance against hospital management

Follow-up Police action:

NA

“This study therefore raises an ontological question – are we waiting for an ‘accident’ to occur to address the issue of safety and health at workplace?”

This was the concluding sentence of the Report on ‘Workplace Health and Safety: A Study of Select Small Scale Manufacturing Units in Delhi’ by Rinju Rasaily¹⁰ (2017) conducted by V.V. Giri National Labour Institute. It also recommended -

“Systematic data compilation on industrial health and addressing issues arising from it; improving enforcement system in consonance with changes in the industrial climate and understanding the nuances of workers’ conditions at work is imperative.”

10. https://vvgnli.gov.in/sites/default/files/NLI_Series_No._128-2017-Rinju_Rasaily.pdf



Karol Bagh, Central Delhi

12 February 2019

17 died, 35 injured

Enterprise Arpit Hotel

What Happened Short-Circuit

Negligence found Illegal construction in the hotel

Immediate Police action: The case was transferred to the Crime Branch. The crime branch arrested the owner of Hotel Arpit Palace, Rakesh Goel, his brother Sharad Indu Goel, and the guest house’s general manager Rajender Kumar, and manager Vikas Kumar.

Follow-up Police action: No government official was arrested or booked by the police. The accused are all out on bail.

“Workers participation in *Safety Committees* should be by elected representatives. These representatives should have a right to inspect all workplaces in their premises.”

“The compensation laws should be framed in such manner that there should be least time gap between the claim and actual receipt of the compensation”

Quoted from ‘Occupational Safety and Health in India: Legislations inadequate’, Binoy Acharya¹¹ (undated), Society for Participatory Research in Asia (PRIA), New Delhi.

11. https://www.pria.org/knowledge_resource/Occupational_health_And_Safety_In_India_-_Legislations_Inadequate_1.pdf



Jhilmil Industrial Area, Shahdara

13 July 2019

3 died

Enterprise

Rubber Factory

What Happened

The hardware factory where the fire broke out manufactures plastic and rubber items - mainly household tools and equipment. Cause not known.

Negligence found

No ventilation, small staircase, Licence was expired

Immediate Police action:

The owner of the factory Naeem and his brother Adnan were arrested and an FIR was lodged under Sections 285 (negligent conduct with respect to fire or combustible matter) and 304 (causing death by negligence) of the Indian Penal Code has been registered against the proprietors of the factory.


Follow-up Police action:

NA

Excerpts from recommendation in PUDR report, *Trapped to Death: Deaths from Fire at a Garment Factory in Viswas Nagar*, Feb 2012, People’s Union for Democratic Rights, Delhi¹².

- 1) “Legal proceedings against the management of Groversons for the violation of basic labour norms related to occupational health and safety;
- 2) Legal proceedings against officials of the Labour and Industry Department of the Delhi Government”

12. <https://www.pudr.org/trapped-death-deaths-fire-garment-factory-vishwas-nagar>



Rani Jhansi Road, Central Delhi


08 December 2019

43 died, 56 injured

Enterprise	Paper Factory in Anaj Mandi
What Happened	Short-circuited caused massive fire broke out and the entry and exit were blocked. Owners closed the door from outside while the workers were sleeping inside the factory.
Negligence found	Factory ran illegally and no NOC was taken from the fire dept. various lapses in safety norms
Immediate Police action:	Md. Rehaan, the owner of the building was arrested.
Follow-up Police action:	NA

The Occupational Safety, Health and Working Conditions (OSHWC) Code throws away a large section of workers from the ambit of labour law, from even within the miniscule minority for which the earlier law was applicable.

The OSHWC code 2020 applies only to establishments that have more than 20 workers if they have an official power connection, and more than 40 workers if they don't have the power aid supply. This was 10 and 20 respectively, in earlier laws. For contract workers, the minimum threshold was 20 earlier, now it has been made 50.



Peeragarhi, West Delhi
02 January 2020

1 died, 17 injured

Enterprise	Battery Factory
What Happened	NA
Negligence found	No NOC, safety norms flouted
Immediate Police action:	Case transferred to CBI.
Follow-up Police action:	NA

The new Labour Code exempt millions of from safety coverage, working as-

- Domestic workers
 - Home-based workers
 - Self-employed workers
 - Agricultural workers
 - ASHA workers, Anganwadi workers and other scheme workers
 - Workers in plantations that are less than 5 hectares in size and with less than 10 workers
 - Workers in the offices of the central govt and state govts (with the exception of provisions relating to contract labour)
 - Workers involved in activities relatable to the sovereign functions of the government, gig workers and platform workers
 - Apprentices under the Apprentices Act
 - Supervisory personnel drawing wages of more than Rs. 18,000/- per month
 - Workers in warships
 - Armed Forces personnel
 - Audio-visual workers whose remuneration exceeds the amount notified by the central govt
 - Building and other construction workers engaged in construction work for own residential purposes of an individual or a group of individuals where the total cost of the work does not exceed Rs. 50 lakhs or a higher amount that may be notified by the govt
 - New factories, or any class of new start-ups may be exempted from safety provisions in 'public interest' and emergencies
- and many others.



Peeragarhi, West Delhi

21 June 2021

6 died

Enterprise

Apeksha International Shoe Factory

What Happened

The workers worked overnight and were trapped on the top floor.

Negligence found

The company flouted many fire safety norms as they had no emergency fire exit and no fire extinguisher. They also had illegal construction and the godown was overloaded which had blocked the staircase.

Immediate Police action:


Police had arrested both the owners Pankaj Garg and Surbhi Garg.

Follow-up Police action:

Surbhi Garg got bail. NGT admitted that Pankaj Garg was in cognizance and the deceased should get compensation.

In the name of ‘flexible’ working hours, the new code violates the international norm by allowing more than 8 hours work a day and hence, effectively making the non-payment of overtime legal.

The code keeps the threshold for making a *Safety Committee* too high. It is 500 workers for factories; 250 for building and construction workers; 100 for the mine workers.



Seelampur, Shahdara

02 January 2020

5 injured

Enterprise	Safety Jacket manufacturing factory
What Happened	NA
Negligence found	No NOC, safety norms flouted
Immediate Police action:	NA
Follow-up Police action:	NA

OSHWC code introduces worker liability for industrial accidents, with fine up to Rs.1 lakh and/or imprisonment. It also says, offences for which the employee will be found liable, employers cannot be made liable except for failure to take reasonable preventive measures. This effectively will put the burden of cases on the workers/staff and the employers will get away.

The OSHWC code allows for 'web-based inspection' and presumes that the 'use of technology will reduce the violations'. In reality, the excuse of using technology is a blatant attempt to dilute the entire system of inspections in order to protect and indulge the employers.



Khora, Ghaziabad

09 May 2022

NA

Enterprise

Junk Furniture Warehouse

What Happened

Fire had broken out in the junk warehouse and spread to adjoining residential and commercial buildings- situation of panic throughout the area.

Negligence found

Illegal construction and flouting safety norms

Immediate Police action:

Police filed a case against Akhlaq, the owner and manager of the warehouse

Follow-up Police action:

Akhlaq is absconding

Fact Sheet on Mundka Fire

- The fire is believed to be started by a short circuit in factory of Cofe Impex Pvt Ltd, a CCTV camera and router manufacturing and assembling company.
- The fire claimed 30 lives as per Government records, however, witnesses and families say the number is much higher.
- The injured were taken to Sanjay Gandhi Memorial Hospital.
- As per locals, most of the workers were women. Out of 30 people died, 22 were women.
- The building had single entry-exit point and only one staircase.
- The building did not have clearance from the fire department and was not equipped with fire extinguishers.
- The fire service took over an hour and a half to arrive at the scene
- Goel brothers, owners of the factory were arrested. An FIR was registered against them under sections 304 (punishment for culpable homicide not amounting to murder), 308 (attempt to commit culpable homicide), 120 (concealing design to commit offence punishable with imprisonment) and 34 (common intention) of the Indian Penal Code.
- The owner of the building, Manish Lakra was arrested while a case under IPC sections pertaining to causing death by negligence was lodged.
- Police reported that building owner had applied for factory licence in 2016.
- PM Narendra Modi announced Rs 2 lakh compensation each from PMNRF for the next of kin of those who lost their lives and Rs 50,000 for those who were injured.
- Delhi chief minister Arvind Kejriwal announced a compensation of Rs 10 lakh for the families of the deceased and Rs 50,000 for those who were injured.

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