

It is normal for a hundred workers to burn in New India.

Fact-finding report on the Anaj Mandi factory fire (December 8, 2019) by COLLECTIVE

Absolute ‘normalcy’ had returned to northern Delhi’s Sadar Bazaar area by the evening of December 8, 2019, where a factory fire had suffocated close to a hundred inmates a few hours earlier. While shutters had been downed in the street where the incident took place, a busy market was back to business less than a hundred metres away, aided by local contractors’ strongmen preventing workers nearby from gathering.

As per the Delhi Police, 43 workers had died on the spot and 67 were hospitalised with severe burns. The alleged cause was an ‘electrical mishap’ in a four-storey factory building producing plastic bags, toys and garments. Most cases were of suffocation deaths as the only exit from the factory building had been locked from the outside the night before by the factory owner. Casualties include a shocking number of migrant workers between the ages of 15 and 20 who lived and slept in the same premises where they worked, with at least one underage girl labourer having been identified by the police so far. The incident resembles other factory fires that have broken out in outer Delhi’s Bawana recently—one killing 17 workers in 2018 and another injuring 9 in February, 2019.

The small-scale enterprises which dot the ghetto of Anaj Mandi are suppliers to the city’s oldest wholesale mercantile belt stretching from Kashmere Gate in the north to Daryaganj in the south. A residential area only on paper, most of its three or four-storey buildings are sub-let to multiple manufacturers producing an assortment of goods. Work conditions are still akin to slavery as most workers are brought at a tender age from impoverished districts of Uttar Pradesh and northern Bihar (primarily, from Katihar, Arariya, Madhubani, Darbhanga) and forced to work, eat and sleep within hazardous production units due to low pay and precarious contractual employment. Workers are divided under several labour contractors, working under differential pay scales and wage structures. Hard-won labour protections—overtime pay (beyond 48 hours a week and not more than ten hours a day), Employees’ State Insurance and Employees’ Provident Fund schemes, paid leaves and national holidays or protection from industrial hazards as per the Workmen’s Compensation Act—are killed daily. The democratic right to unionise is wholly absent.

The Aam Aadmi Party-led state government’s Labour Department and the Bharatiya Janata Party-controlled Municipal Corporation of Delhi have overlooked various such complaints from the city’s aging industrial zones such as Okhla, Rohini, Badli, Narela, Jahangirpuri and Wazirpur, having an abysmal ratio of factory inspections ordered to complaints lodged. These structural factors are found hidden behind the alleged act of ‘criminal negligence’ by the factory owner and manager for which they were arrested after the fire.

Many issues came into light in conversations with workers working in Anaj Mandi and neighbouring New Colony, Model Basti who are currently working in a similar condition. Our findings are summarised below.

1. The building in question is situated on Rani Jhansi road, is four-storeys high and built on a plot of roughly 600 square metres. It had been sub-leased to a number of contractors producing an assortment of plastic bags, toys, glass products and apparel products.¹ As per the Delhi Police, it had 18 areas that had been rented out with four power connections and a number of sub-meters.²
2. A group of workers from neighbouring factories estimated that around a hundred workers were inside on the morning of Saturday, December 8, when the fire broke out.³ Sunday being the only weekly holiday in the area, the workers were presumably asleep at the time. The estimated cause as per the Delhi Fire Service department (DFS) was electrical short-circuiting around 5.30 am.
3. There was only one narrow staircase inside the building. The only exit had been locked from outside the night before. Therefore, it was presumably difficult to escape in a fire emergency. DFS has confirmed that none of the units in the area have attained a 'No Objection Certificate'.⁴
4. Fire dousing operations were concluded before noon. DFC Chief Atul Garg has confirmed to the media that this has been the second biggest fire in Delhi's history, with the highest number of casualties in the last two decades.⁵ Notably, Anaj Mandi has seen frequent fires, including a minor fire doused by DFS less than 24 hours earlier in another such illegal factory barely 200 metres away. DFS Deputy Fire Officer Sunil Choudhary has confirmed that they were not aware that the building was inhabited at the time they were informed of the fire due to which inadequate force was deployed for the early dousing and rescue operations.⁶
5. While the age and identities of the workers affected were not provided at the time, it is known that a large number of them were living inside the factory itself. Mahboob Bhai,

¹ As per a workers who had been employed there up to a year earlier and did not wish to be identified.

² 'Delhi fire: Owners rented out 18 portions of Anaj Mandi factory, say police'. *Times of India*. December 10, 2019. <https://timesofindia.indiatimes.com/city/delhi/delhi-fire-owners-rented-out-18-portions-of-anaj-mandi-factory-say-police/articleshow/72461328.cms> (accessed on December 11, 2019).

³ The owner had claimed to DFS that around 20-25 occupants were present.

⁴ '43 killed as massive fire sweeps through north Delhi factory'. *The Hindu*. December 8, 2019. <https://www.thehindubusinessline.com/news/43-killed-as-massive-fire-breaks-out-in-factory-in-delhis-anaj-mandi/article30236413.ece> (accessed on December 11, 2019).

⁵ 'How negligence by authorities triggered fire in Delhi's Anaj Mandi area'. *India Today*. December 9, 2019. <https://www.indiatoday.in/mail-today/story/how-negligence-authorities-triggered-fire-delhi-anaj-mandi-area-all-you-need-to-know-1626498-2019-12-09> (accessed on December 11, 2019).

⁶ 'दिल्ली की इमारत में भीषण आग से 43 मजदूर जल कर मरे, गलत सूचना बनी और जानलेवा', *Workers Unity*. December 8, 2019. <https://workersunity.com/informal-sector/delhi-fire-took-43-lives-of-teenage-worker/> (accessed on December 11, 2019).

a resident of Anaj Mandi, identified four workers between the ages of 20 and 25 who were residents of Muradabad, Uttar Pradesh (pictures below). A number of persons around the area claimed that the majority of those who died or were injured were Muslim.

6. Inquiring about working conditions in the area, our team went to New Colony, Model Basti, adjacent to the spot of the accident, where similar exploitation prevails. A small set-up for manufacturing plastic toys employed around ten children with most under 14-years-old, the legal age of employment (photographed below). They had been brought there from various districts in northern Bihar and are living in a storage area of the factory without any guardian. Asked about provisions for food and sleep, they pointed out a makeshift kitchen and mattress where two children were curled up. They are being paid roughly ₹1,200 weekly for six days of work, 12 hours a day.
7. Speaking with a number of workers, we found that the wage rate varies by contractor, with more experienced workers being paid a fixed salary and up to ₹400 per day for 12-14 hours of work, which would amount to around ₹5,000. Other contractors pay a 'piece rate' per item produced—for instance, ₹3 for fitting a plastic mirror—with workers earning up to ₹12,000 based on production.⁷ Almost in all cases, this amounts to well under the state minimum wage for jobs of this nature given that workers are made to work overtime daily without double pay, as mandated by the Minimum Wages Act. No proof of employment or security of tenure is provided.
8. It was a common belief among workers that most children and migrants who have arrived recently are exploited by having to reside in factory halls, with around 10-14 workers crammed in together. Due to the low pay for a city like Delhi as well as the absence of family or acquaintances apart from the contractor who brought them to the city, such compromises have to be made.

It is clear from the points above that all of these factors combine to form the volatile conditions in which atrocities such as the Anaj Mandi factory fire take place. Even today, a number of illegal factory-cum-residences continue to operate in the area or await production to resume soon.

With the upcoming Delhi state assembly elections in sight, Chief Minister Kejriwal has announced compensation of ₹10 lakh to the families of the dead and ₹1 lakh to those injured. It may be pointed out that it is the state government's labour ministry under AAP leader Gopal Rai which has instituted a number of measures to eliminate the process of collective representation before labour department officials in the name of checking corrupt practices through *suo moto* audits, forcing individual complainants to risk termination by revealing their

⁷ As told to us by a resident in one of the factories who has been working in Anaj Mandi for 11 years and did not wish to be named. He had left his home in Bihar at the age of 12.

names when lodging grievances. Even before the AAP's term, Delhi's labour department has had an abysmal ratio of complaints lodged to those resolved. As per the CAG's latest audit, only 27 per cent of cases (4,432 out of 16,373) were inspected between 2011-2015.⁸ While Prime Minister Modi took to *Twitter* soon after the fire to announce disbursements of ₹2 lakh to the families of the deceased and ₹50,000 for the injured from the PM's Relief Fund. Meanwhile, the union Labour Ministry has risked lakhs of workers ESI/PF savings by allowing the EPFO to invest between 5 to 15 per cent of its corpus in the share market since 2016.⁹ It continues to hollow out the legal basis for demanding labour rights in the informal sector by doing away with 44 existing labour laws and bringing in the Labour Code on Industrial Relations bill, all in the name of improving 'ease of doing business'. Moreover, for several years, the BJP-RSS combine has also controlled the Municipal Corporation of Delhi, the authority responsible for licensing industrial units in the area. Therefore, his anguish over worker deaths in the face of international attention and impending elections rings hollow.

Some fires are more expensive than those that kill workers in factories. One might recall the number of closures ordered after a fire in a Mumbai nightclub in 2017 killed 14 patrons. Similarly, when a coaching centre in Surat killed 22 students, a few restorative measures were announced amidst the media frenzy across the country. No such steps are on the national agenda this time, when children have died once again in a factory. Instead, sections of the media have debated the need for further 'beautifying' New Delhi by packing off all Bihari migrant workers to more invisible corners or resorted to communal statements as several of the victims were Muslim. Considering the precedent of the Bawana fires, such course corrections are beyond the corporate-funded political parties ruling India today.

Little seems to have changed for Indian workers since New York's Triangle Shirtwaist Factory fire of 1911, one of the deadliest industrial disasters in American history. Similar slave-like working conditions prevail today across the country. A spate of massive fires in factories in Bangladesh and Pakistan in 2012, which brought much attention on the deplorable condition of workers in small-scale, South Asian end-of-the-line production centres has not brought about any shift in thinking. Condemnation for each such 'accident' is followed by a deadly return to 'normalcy'. Based on these observations, we demand the following steps to be taken at the earliest:

1. **Compensation.** ₹50 lakh each be given to the dependants of the deceased and a government job to each family. ₹20 lakhs each be given to those injured along with free healthcare for injuries suffered.

⁸ 'Report of the Comptroller and Auditor General of India on Social, General and Economic Sectors (Non-Public Sector Undertakings) for the year ended 31 March 2016'. *Comptroller and Auditor General*. 2017. https://cag.gov.in/sites/default/files/audit_report_files/Report%20of%202017%20of%20Non-PSUs%20of%20NCT%20Delhi.pdf (accessed on December 11, 2019).

⁹ 'EPFO to invest nearly Rs 5,000 crore in stocks in 2015-16'. *Economic Times*. August 6, 2016. <https://economictimes.indiatimes.com/industry/banking/finance/epfo-to-invest-nearly-rs-5000-crore-in-stocks-in-2015-16/articleshow/48375783.cms> (accessed on December 11, 2019).

2. **Order closure of all illegal factories.** Officials should inspect all factories in Sadar Bazaar area for fire safety and workplace conditions and impose penalties on those found to be operating in violation of laws. Alternate livelihoods should be provided for all workers affected by factory closures.
3. **End exploitative child labour racketeering in Anaj Mandi.** All children below the age of 14 years and minors (below 18 years) living in New Delhi without guardians to be identified and rescued. Decent living and education opportunities should be provided to those rescued closer to their families along with stipend.
4. **End the precarity of all migrant workers.** Provide separate identification for such workers and social safety measures such as free housing, food and healthcare.
5. **Scrap ‘anti-worker’ amendments to labour laws.** Scrap Labour Code on Industrial Relations bill *in toto*. Defend and deepen the democratic right of workers to unionise. End contractual employment in jobs of permanent nature.

Photos of scene of incident and victims





Photos of children working in nearby plastic goods factories

