

Workers of Alang-Sosiya

A Survey of Working Conditions in a Ship-Breaking Yard, 1983-2013

GEETANJOY SAHU

A detailed analysis of the working and living conditions at the Alang-Sosiya ship-breaking yard raises several questions about the Gujarat model of development. This paper aims to identify the major challenges in implementing rules for the protection and improvement of workers' rights at the micro level through an in-depth analysis of ship-breaking workers at Alang-Sosiya, and suggests measures to ensure the effective implementation of workers' rights in hazardous industries.

With the victory of the Bharatiya Janata Party (BJP) in the 16th general elections in May 2014, the clamour for the Gujarat model of development as the best development model in India has intensified, and strategies to replicate this model across India are now being formulated at the level of the Prime Minister's Office. Cabinet ministers in the National Democratic Alliance (NDA) government are visiting Gujarat to learn from and study the initiatives taken by the state, and are eager to replicate the Gujarat model in their respective departments.

However, on 28 June 2014, soon after the cabinet ministers' visit, five migrant workers from Uttar Pradesh died and a number of others were seriously injured in a ship-breaking yard at Alang-Sosiya, Bhavnagar district, Gujarat. From 1983-2013, around 470 workers have died in various accidents in this ship-breaking yard. During the campaigns for the 16th general elections, Narendra Modi, then the BJP prime ministerial candidate, claimed that migrant workers from other states come to Gujarat because this state provided them with better employment opportunities and security, which other states fail to do.¹

A detailed analysis of the working and living conditions at the Alang-Sosiya ship-breaking yard (ASSBY), however, reveals a contrasting picture, and raises several questions about the Gujarat model of development.

While there are a number of studies available that examine the impact of hazardous ship-breaking industries on the environment (Demaria 2010; Puthucherril 2010; UNESCO 2004), there has been hardly any systematic attempt to unravel the emerging challenges, particularly at the state and local levels, facing the protection and improvement of workers' rights at the Alang-Sosiya yard. In this context, this paper aims to identify the major challenges in implementing rules for the protection and improvement of workers' rights at the micro level through an in-depth analysis of ship-breaking workers at Alang-Sosiya, and suggests measures to ensure the effective implementation of workers' rights in hazardous industries.

To begin with, the paper provides an overview of the ship-breaking activity in Alang-Sosiya, and then highlights the current working and living conditions in the ship-breaking yard, and the legal framework for the protection and improvement of workers' rights. Finally, the paper examines the major challenges facing the enforcement of workers' rights, and highlights a number of measures required to

I thank Sanket Gaikwad and Shymal Chakma for collecting and documenting information related to labour conditions at Alang-Sosiya. I am grateful to the National Human Rights Commission, New Delhi, for providing financial support to conduct this research work.

Geetanjoy Sahu (geetanjoy@tiss.edu) teaches at the Tata Institute of Social Sciences, Mumbai.

enforce labour laws to protect and improve working and living conditions in the yard.

The study is based on intensive fieldwork in and survey of the ship-breaking yard in Alang-Sosiya, conducted from April 2013 to May 2014. A number of stakeholders, including 300 ship-breaking workers, ship owners, trade union leaders, staff members of various implementing agencies involved in enforcing labour laws, and leaders of local bodies around the ship-breaking yard villages have been interviewed to understand the working and living conditions of workers at the yard. Also, the impact of labour laws meant to provide safe working conditions has been obtained through right to information applications.

An Overview

Located in the coastal belt of Bhavnagar district of Gujarat, the ASSBY is one of the largest in Asia, and has been expanding ever since it started in 1983.² Prior to 1983, ship-breaking activity was concentrated in select shipyards of Great Britain, Taiwan, Mexico, Spain and Brazil. With the evolution of strict environmental regulations and the emergence of rights-based groups in developed countries, demanding safe working conditions and a healthy environment, ship-breaking has increasingly shifted to developing countries in Asia.

The ASSBY has beached nearly 6,318 vessels from 1983 to 2013, which is of 4,73,15,530 light displacement tonnage (LDT), breaking almost one ship a day and producing three million metric tonnes of scrap metal annually.³ The number of ships coming to Alang-Sosiya is increasing daily and is likely to increase further in the future, as thousands of ships from European countries are waiting to be scrapped. The ship-breaking yard provides ready employment to unskilled workers, high quality steel for various infrastructure development activities,⁴ and around Rs 70 crore in revenue to the Gujarat Maritime Board (GMB) every year. The annual turnover of the industry stands at Rs 6,000 crore.⁵ Profit margins in the ship-breaking industry are huge and big-time contractors make unbelievable profits; however, the costs to workers' health and the environment are alarming.

Living Conditions of Workers

The ship-breaking activity at Alang-Sosiya provides huge employment opportunities for around 35,000 unorganised migrant workers directly, and thousands more (mostly from Gujarat) are provided employment opportunities indirectly in allied industries. Unlike the ship-breaking industries of China and Japan, which depend mainly on modern technology, the ship-breaking industry at Alang-Sosiya is labour-intensive. Thousands of workers migrate to Alang-Sosiya from different parts of the country, especially from Odisha, Uttar Pradesh, Bihar, Jharkhand and West Bengal, where workers are desperate for jobs in the ship-breaking yard.

By and large, ship-breaking workers live in and around the ship-breaking plots in rented shanty dwellings, usually without adequate facilities for potable water, sanitation, electricity, drainage systems, and education for their children.⁶ The GMB has set up 12 standposts in which workers can take baths, but

these are seriously inadequate for 35,000 workers. Similarly, six toilets have been constructed by the GMB for workers' use, but most of them lack water or are not cleaned regularly; and as a result, workers are forced to defecate in the open. As far as drinking water facilities are concerned, the majority of workers buy water from the local village people, and only a few of them can manage water from the plot owner, says Ramkaran Prajapati, a migrant worker from Gorakhpur district of Uttar Pradesh.⁷ The lack of basic facilities is the major concern for migrant workers. These workers also cannot avail any government schemes implemented for the local village people in and around the ship-breaking yards.

Since 1983, over 400 fires have broken out and around 470 workers have died at the ASSBY.⁸ Fatal and non-fatal accidents continue to occur due to the hazardous nature of ship-breaking work, which involves cutting open chunks of steel and iron using blow-torches, and entails the presence of heavy industrial machinery. Many studies have documented that low-pressure gas cylinders, used for cutting a ship's body, are always kept at every yard in a haphazard manner. When a new ship is beached, at least 100 gas cylinders are taken inside. Before

Table 1: Record of Deaths, Accidents, and Status of Prosecution

Year	No of Deaths	No of Fatal Accidents	No of Non-Fatal Accidents	No of Prosecutions	Status of Prosecution	No of Industries Closed under Section 40(2) of Factory Act 1948	Number of Days Closed
1983	0	NA	NA	0	Not decided	0	0
1984	15	NA	NA	54	Not decided	0	0
1985	5	NA	NA	9	Not decided	0	0
1986	13	NA	NA	76	Not decided	0	0
1987	7	NA	NA	25	Not decided	0	0
1988	2	NA	NA	3	Not decided	0	0
1989	12	NA	NA	6	Not decided	0	0
1990	8	NA	NA	1	Not decided	0	0
1991	10	NA	NA	7	Not decided	0	0
1992	12	NA	NA	3	Not decided	0	0
1993	16	NA	NA	3	Not decided	0	0
1994	28	NA	NA	13	Not decided	0	0
1995	29	NA	NA	7	Not decided	0	0
1996	28	NA	NA	15	Not decided	0	0
1997	51	NA	NA	23	Not decided	2	38
1998	27	NA	NA	13	Not decided	2	17
1999	29	NA	NA	20	Not decided	1	2
2000	27	NA	NA	26	31	0	0
2001	8	NA	NA	12	9	3	22
2002	19	19	72	41	Not decided	1	14
2003	25	25	60	9	5	3	59
2004	5	05	18	6	6	0	0
2005	4	04	11	3	Not decided	0	0
2006	5	05	17	12	1	1	6
2007	6	06	04	6	Not decided	0	0
2008	0	00	02	0	0	0	0
2009	14	14	24	8	5	0	0
2010	21	21	22	17	15	0	0
2011	7	07	11	6	34	0	0
2012	17	17	09	9	4	1	46
2013	10	10	17	27	36	0	0

Source: Information obtained through RTI from the Gujarat State Industrial Safety and Health Department, Ahmedabad, 15 May 2014.

reaching the yard, these ships carry hydrocarbons such as diesel, furnace oil and lubricating oil, required to operate the ship till the beaching is completed (Tiwari 1998). Table 1 (p 53) shows the number of deaths, fatal and non-fatal accidents, and status of prosecution related to the violation of the Factories Act at ASSBY from 1983-2013.

Workers' health and safety concerns are not paid adequate attention by the companies and concerned authorities, and violations of the civil and labour rights of these workers are common (Abdi 2003). Labourers are often not provided with safety facilities or working equipments, such as masks, boiler suits, hand gloves, gumboots, etc. When these are provided, they are of poor quality and inadequate, and sometimes only provided at the time of inspections or safety audits.⁹

In the workplace, due to the intense heat and humidity, the worker experiences considerable difficulty in using substandard protective gear, such as protective clothing. Most of the work is done with bare hands, sledgehammers, crowbars, flashlights, and gas torches. There is an absence of regular inspections of the factory site and a lack of action against shipyards for not providing safe working conditions; and migrant labourers who come in search of livelihoods are usually ready to work under any condition.

In this connection, it is important to mention that the Final Report of the Supreme Court-appointed Technical Experts Committee has revealed the pathetic situation faced by these workers. With regard to accidents, the Final Report notes:

[T]he average annual incidence of fatal accidents in the ship breaking industry is 2.0 per 1,000 workers while the all India incidence of fatal accidents during the same period in the mining industry, which is considered to be the most accident-prone industry, is 0.34 per 1,000 workers.

These facts provide the first official confirmation of Alang's long-standing notoriety as a hazardous and unsafe place to work in. Likewise, the National Institute of Occupational Health (NIOH), Gujarat, carried out x-rays of 94 workers, and found that 15 of them could be suffering from very early stages of asbestos poisoning (NIOH 2006-07).

Inadequate Health Facility

One of the most serious challenges facing workers' rights has been the lack of an adequate healthcare system in the ASSBY. Alang-Sosiya has just two health facilities – an understaffed hospital run by the Red Cross Society and a small clinic run by a private doctor. Neither possesses the necessary facilities to treat potentially fatal emergencies, and there is no ambulance in either health clinic.¹⁰ No health facility was available to workers till the Red Cross Hospital was set up in 2003 at Alang-Sosiya. On an average, 90 to 100 workers come to treat minor injuries everyday at the Red Cross Hospital; however, workers cannot be treated in the hospital for more than 12 hours and have to go to Bhavnagar Hospital for major injuries – where the skin specialist, chest physician and orthopaedic surgeon are available only on Thursdays, from 3-5 PM.

Persons who have witnessed accidents at the yard say that it takes an hour for any ambulance to reach the yard via a

50-km, two-lane state highway from Bhavnagar city. "We do not call it a hospital, as it does not have a permanent orthopaedic surgeon or an ambulance", says Hrishkesh Patro, a migrant worker from Odisha. The inadequate health facilities at Alang have been raised and discussed in various forums, ranging from the Supreme Court to the Inter-Ministerial Meeting, but the scenario at Alang-Sosiya has not improved. For example, in every general meeting from 2005-13, the Inter-Ministerial Committee (IMC) recommended the provision of adequate health facilities for ship-breaking workers; but nine years on, there has been no progress in that direction.

Legal Framework for Workers' Rights

India has enacted a wide range of regulatory instruments for the protection and improvement of the working and living conditions of workers in hazardous industries. At present, there are reportedly over 50 central and state statutes with at least some concern for the improvement of workers' rights, either directly or indirectly. Some of these include: the Workmen's Compensation Act 1923; the Payment of Wages Act 1936; the Factories Act 1948; the Employees' State Insurance (ESI) Act 1948; The Minimum Wages Act 1948; the Employees' Provident Funds Act 1952; the Payment of Bonus Act 1965; the Contract Labour (Regulation & Abolition) Act 1970; the Payment of Gratuity Act 1972; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, etc.

Similarly, there are a number of international conventions, treaties and regulations with reference to safe working conditions in ship-breaking industries, which include: the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal of 1989; the International Labour Organization (ILO) guideline of 2003, which outlined detailed provisions for the safety and health of workers in ship-breaking industries; the European Union Green paper on better ship dismantling 2007; and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

Despite the many efforts made and dialogues between the Government of India and environment and trade unions, as well as the orders given by the Supreme Court, there has been no significant development aimed at following international agreements and guidelines, or attempts at formulating a national occupation safety and health policy. While in theory the Government of India accepts the ILO guidelines, in practice these are not strictly adhered to in the ship-breaking industries at Alang-Sosiya.

The ESI Act, 1948

It is also important to mention here that the ESI Act, 1948, provides for the provision of benefits to employees in case of sickness, maternity, and employment injury. To implement this scheme in the ship-breaking industries at Alang-Sosiya, the Labour and Employment Department of Gujarat issued a notification in its official gazette on 1 October 2009. As per the ESI scheme norms for constructing a hospital with 100 beds at Alang-Sosiya, the notification issued by the Labour and

Employment Department requires that at least 25,000 employees be registered under this scheme. However, in the case of Alang-Sosiya, a total of 16,067 workers have registered. The ship-breaking association has been demanding a relaxation in this norm (as Alang-Sosiya seems to be an exceptional case), so that the Employee's State Insurance Corporation (ESIC) can construct a hospital here.

The ship-breaking association has in fact filed a litigation in the Gujarat High Court to resolve this issue; the litigation has been pending for the past three years. There is little chance that the corporation will begin even the basic enrolment of workers at the yard till the case is settled. The Ship Recycling Industries Association India (SRIA) has argued that there is no health facility at Alang-Sosiya and the current arrangement – providing treatment at the ESIC hospital at Bhavnagar, 55 km away – has proved ineffective. Also, SRIA members allege that the ESIC has not been settling the bills of workers who are treated in hospitals; V B Tayal, vice-president of SRIA, further alleges that when workers are taken to the ESIC-arranged hospital at Bhavnagar, they are asked to settle the earlier, pending bills. This allegation was rejected by Dr Sant Ram, state medical commissioner, ESIC, who states that there has been no delay in clearing the bills for all treatment of workers at the ESIC hospital at Bhavnagar. Rather, it is difficult to admit workers because the employer often brings in injured workers without a *pehchan* card – an important document required to be admitted, or avail the benefits.¹¹

Similarly, no database has been created or maintained by the district authority with regard to the number of migrant workers working in the ship-breaking yard. Chapter II of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, specifies that the state government shall appoint a registering officer for the purpose of registering establishments employing interstate migrant workmen. Ship-breaking industries continue to recruit migrant workers without registering under this Inter-State Migrant Workmen Act.

The Act categorically states that no principal employer of an establishment to which this Act applies shall employ interstate migrant workmen unless a certificate of registration with respect to such an establishment issued under this Act is in force. The ship-breaking unit owners, on their part, argue that migrant workers change jobs very frequently, and therefore it is not possible to keep a record of how many migrant workers are working in their yard. There is no compliance to these provisions at the ASSBY, and no action has been taken by the competent authority against the employer for not registering the number of migrant workers employed.

Delayed Payment of Wages

Likewise, payment of salary is not fixed for a particular day of the month. Many workers informed us that delay in payment needs to be addressed, as they have no other source of income. This is a clear violation of the Payment of Wages Act 1936. This Act outlines that every employer is primarily responsible for the payment of wages to his employees, and that the employer

should fix the wage-period, which may be per day, per week or per month, but in no case should exceed one month.

A number of workers at ASSBY, however, pointed out that there is always a delay in getting their wages, which is why they choose to shift from one unit to another. Their choice of unit is based on which employer can pay them wages on a particular day of every month. We were also informed that the employer sometimes makes unauthorised deductions from wages. If safety equipments are not returned in a good condition or are lost, the employer deducts the requisite amount from their wages, says Sudhir Palai, a migrant worker from the Ganjam district of Odisha.

Workers also do not receive any other financial benefits from employers as laid down under several labour laws in India. For example, the Payment of Gratuity Act, 1972, provides for a scheme for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops, or other establishments. The Act enforces the payment of “gratuity”, a reward for long service, as a statutory retiral benefit. Every employee, irrespective of his/her level of wages, is entitled to receive gratuity if s/he has rendered continuous service for five years or more. However, Ramkaran Prajapati from Gorakhpur district of Uttar Pradesh says:

I have not received any bonus, no provident fund, no gratuity in my past 15 years of work in the ship-breaking yard. Also, I don't get salary when I take leave to go to my home state, or for any other leave.

Workers are not paid on Sundays or when they go on leave; also, overtime wages for workers does not follow the Factory Act of 1948 and the Gujarat Factory Act Rules of 1963. Most workers put in overtime in the ship-breaking yard, but the wages paid for every extra hour is between Rs 25 and Rs 30; this is a clear violation of Section 59 of the Factories Act of 1948, which states that if a worker works in a factory for more than nine hours in any day, or for more than 48 hours in any week, he shall, with respect to overtime work, be entitled to wages at the rate of twice his ordinary wages.

Thus, the enactment of a number of laws by both the central and state governments relating to safe working conditions has not made much headway in reducing the number of deaths and fatal and non-fatal accidents; the laws, by and large, remain unenforced and mismanaged. Further, despite orders and directions from the Supreme Court and recommendations made by the IMC and Technical Committee appointed by the Supreme Court, the problem of safe working conditions continues to remain a great concern in the Alang-Sosiya yard, and has in fact intensified over the years.

Factors for Non-Compliance

This section discusses the key factors impeding the effective implementation of labour laws in the ASSBY.

Ship Recycling Industries Association India

The SRIA is a powerful and well-connected association of ship recyclers in Alang/Sosiya, Bhavnagar, and has been active ever since ship-breaking activity began in 1983. The association meets every Wednesday to discuss major issues related to

ship-breaking activity, and works out plans and strategies to address any problems faced by its members. Each ship-breaking unit contributes Rs 25,000 as lifetime membership fees, and also Re 1 for every tonne that it scraps in its yard. Members of the association claim that its main objectives have been to protect the interests and rights of ship recyclers, work towards the welfare of ship-recycling activity in India, and ensure safe and eco-friendly recycling activity.

This association has been very active not only in representing the interests of ship recyclers in various government departments and courts of law, but has also been quite influential in political circles. The decision of the newly-elected BJP-led government to reduce the import duty on ships imported for breaking from 5% to 2.5% in the recently announced Union Budget for 2014–15 offers a good illustration of SRIA's reach and influence (Dave 2014). The strategies and resources used by the association protected its members, and also helped the industry to sustain itself and develop into the largest ship-recycling yard in the world, albeit at the cost of workers' rights to safe working and decent living conditions.

Although members of SRIA claim to work to protect and improve working conditions in the ship-breaking yard, and take adequate measures for workers' safety in the workplace, these claims are refuted by the workers themselves, who are of the opinion that these measures are symbolic and not of any real concern to their employers. Most of the claims, particularly those relating to efforts to ensure adequate safety standards for workers, are a complete myth; the reality is that accidents and deaths have been taking place ever since the industry was set up at Alang-Sosiya.

Instead of addressing this issue seriously, the association has been protective of its members' interests. For example, on 6 October 2012, as the ship *Union Brave* was being dismantled at the ASSBY's Plot Number 82 on the Gujarat coast, a fire broke out on the half-broken tanker, killing six migrant workers from Uttar Pradesh and injuring several others. As the news spread and workers protested, three ship-breakers were arrested and booked for culpable homicide on the night of 11 October 2012. The licence of Charter Engineer G P Rajeguru, who gave out the "Safe for Man Entry Certificate", has also been cancelled.

However, the arrest of the ship-breaker and two others were strongly protested by SRIA, leading to the entire yard remaining shut for five days in protest. The ship-breakers also lobbied to get Section 304 removed from the FIR lodged against the arrested ship-breakers, who were trying to evade police action by citing medical reasons (for more details, see Krishna 2012). This is not the only instance; in most cases of deaths, the association refuses to accept that fires and deaths were a result of rules being flouted with impunity at Alang, and that the task of oversight had not been performed well. Instead of accepting these as fundamental flaws on the part of the ship-breaker, the association actually supports the ship-breaker.

Also, there is no provision or guidelines outlining a code of conduct accepted by the SRIA, stating that if members of the

association fail to take adequate safety measures or not follow labour and environment laws, they would be penalised or not be allowed to remain members of the association. In the 30 years of its history, not a single industrial unit member owning a plot at Alang-Sosiya has been convicted for various fatal and non-fatal accidents or for the deaths of 470 workers since 1983, nor has the association taken suo motu action against any member for violating labour and environment laws.

The association's strong objection to implementing the recommendations of various government reports for workers' safety and living conditions contradicts its claim to protect and improve workers' rights. For example, SRIA claims that it is interested in sustainable ship-breaking activity, but has opposed and expressed strong reservations on the recently introduced GMB Ship Recycling Policy of 2006, aimed at protecting and improving working conditions and ensuring adequate measures for environmental protection. The association viewed this policy as unjust and unconstitutional, and declared that it amounted to a death sentence for the industry. Similarly, it views the setting up of an IMC to monitor ship-breaking activity at Alang-Sosiya as an obstacle to industrial growth, and also views the recently introduced Steel Code of 2013 as an anti-industrial policy.

Multiple Authorities and Committees

A number of central and state government agencies are involved in the management of ship-breaking industries at Alang-Sosiya. These include the GMB, Labour and Employment Department of Gujarat, State Coastal Regulation Zone Authority, Gujarat State Pollution Control Board, Customs Department, Occupational Health and Safety Inspector, Factory Inspector, Ministry of Environment and Forests, Ministry of Steel, and the Ministry of Shipping Industries, New Delhi. Also, both the High Powered Committee and Inter-Ministerial Committee appointed through court direction are important actors in ensuring the safety of workers and environmental protection in the ship-breaking yard.

The GMB is the nodal agency as far as ship-breaking activity at Alang-Sosiya is concerned. This agency is entrusted with the responsibility of allocating plots for ship-breaking, developing the required infrastructure, acquisition of land, planning, and the provision of water, electricity, roads, and communication. The GMB is vested with enormous power to ensure that shipyards follow the norms and regulations laid down under various state and central government laws and policies. If any component of the Recycling Facility Management Plan of the Plot is not operative or not in place during GMB inspection, then the agency has the power to cancel the permission issued by the Recycling Facility Management Plan; the ship recycler would then not be permitted to beach any ship till the concerned components are made operative as per the requirements.

An analysis of its role over the past three decades, however, suggests that the GMB has been very liberal in its approach to the violation of rules and regulations by ship-breaking yards.

Data collected from the GMB suggests that almost no plot has been closed for more than two months for not complying with safety rules and regulations. Inquiries into accident-related deaths and injuries are never made public. While prosecution against employers has been initiated in a few cases, no employer has been convicted of violating various labour laws which has led to the death of workers, and most of the cases have not been followed up consistently by either the GMB or other implementing agencies.

Implementing agencies have been more concerned with the revenue loss that would accrue if industries are closed down, and therefore no punitive measures are ever taken against ship-breaking yards. Such ineffective implementation of rules and regulations also need to be understood in the larger context of Gujarat's development, which has been a lopsided development at the cost of human rights and the environment (for more details, see Ujjas Mahila Sangathan 2013).

Another important authority involved in regulating activities in the ship-breaking yard is the state government's Labour and Employment Department. The government has provided a labour officer for ASSBY. This labour officer has the responsibility of looking into matters concerning the provision of physical facilities, wages, the implementation of labour laws, and the prosecution of ship-breakers in case of non-compliance. The GMB works in unison with the Department of Labour and Employment, the Industrial Safety and Health Department, and the State Pollution Control Board of Gujarat. This department, however, is ineffective, as it has failed to carry out regular inspections as per the law, and also lacks both human and financial resources to implement labour laws effectively.

For example, there are a great number of vacancies in the Directorate of Industrial Safety and Health. Of the sanctioned

Table 2: Number of Health and Safety Inspections (2008-13)

Sr No	Year	Number of Inspection
1	2008	107
2	2009	22
3	2010	150
4	2011	48
5	2012	80
6	2013	80

Source: Information obtained through RTI from the Industrial Safety and Health Department, Government of Gujarat, 21 January 2014.

at Alang-Sosiya (169). Therefore, the health officer had clearly not visited most of the yards in 2009 and 2011, and even in 2012 and 2013.

The Inter-Ministerial Committee

Similarly, the presence of an IMC since 2004 has made no serious changes at the grass-roots level. The IMC has met 16 times so far, but the issues related to workers' safety, housing, water, and hospital have not been resolved. Members of the IMC feel that its power is limited, and that it cannot enforce the rules and regulations. The IMC chairman noted at the 15th meeting: "We are lacking progress on many fronts and lack of coordination

between the different agencies has been a significant problem to ensure safe ship recycling activities in the ship breaking activities". It is also important to mention that the irregular meetings of IMC members have not been taken seriously by the Ministry of Steel. The IMC meetings have become symbolic, and are sometimes driven by tragic accidents in the ship-breaking yard.¹²

A close look at the minutes of all 16 IMC meetings from 2004-13 suggests that IMC members have been unable to implement their recommendations, as every meeting ends in assurances by the SRIA and implementing agencies to resolve water, sanitation, housing, safety, and hospital issues, but nothing significant has so far been done in this direction. The role of the IMC has been confined to organising meetings, discussing issues and preparing reports based on the issues raised by various stakeholders.¹³ Beyond this, however, it has played no significant role in bringing about changes and ensuring the implementation of issues agreed upon in their meetings.

Many attribute the IMC's ineffectiveness to its advisory role, and to the fact that its recommendations have no legal binding. Referring to the non-compliance of various court orders and laws, Sudhir Chadha, Chairman, GMB, Alang, is of the opinion that lack of coordination between different agencies has been a big problem in the effective implementation of labour and environment laws.¹⁴ Many reports also suggest rampant corruption, and that ship-breaking yards are given clearance after paying out bribes (Gaikwad 2014).

Absence of Active Trade Union

Another important challenge in addressing and resolving workers' rights at the Alang-Sosiya ship-breaking industries has been the absence of an active and strong trade union representing the interests of migrant workers. The trade unions in Gujarat have, for various unknown reasons, not taken an active interest in mobilising workers or representing their interests before various government departments. "Nobody takes up our issue and we are scared to protest against plot owners or to inform government officer about the working conditions and inadequate living facilities. If we protest, we will lose our jobs", says Hrishikesh Patro, a migrant worker from Ganjam district of Odisha.

Till 2006, no trade union in Gujarat represented the cause of ship-breaking workers in the decision-making and implementation process.¹⁵ The Alang-Sosiya Ship Recycling and General Workers' Association was formed in 2006. This union is an offshoot of the Mumbai Port Trust Dock and General Employees' Union (MPTDGEU), and is supported by the Steel, Metal and Engineering Workers Federation of India (SMEFI) and the Hind Mazdoor Sabha (HMS) at the national level, and the International Metal Workers Federation at the international level. With the formation of this association, there has been constant pressure to address workers' demands, like providing safety equipment, compensation in cases of injury or death, filing complaints against plot owners for violating the Factories Act of 1948, sending representations to various government departments, etc.

The biggest challenge for the Alang-Sosiya Ship Recycling and General Workers' Association has, however, been mobilising workers to raise their voice consistently and demand rights and justice before the concerned authority. "The involvement of workers is confined to individual rights and problems, but not for collective rights", says Vidyadhar V Rane, General Secretary, Alang-Sosiya Ship Recycling and General Workers' Association.¹⁶ For example, not all workers have taken an interest in trade-union activities. Around 37% do not want to participate in such activities as they fear it might backfire and create problems for their employment opportunities. Those who participate in these activities confine themselves to addressing issues such as the payment of daily wages or compensation in cases of injury or death; no interest has been shown by workers to protest against major health hazards, accidents, or compensation for deaths and injuries.

The association has also not received any support from either local people or leaders, or from other trade union leaders in the state. The complexity of the situation arises from the fact that there exists a close nexus between local leaders, industrial units and government department staff, says a member of the local trade union ASSRGWA (under condition of anonymity). Every effort has been made to suppress the voices of workers, and also ensure that no trade union dares to organise these workers. Workers hardly speak out on even the worst working conditions as they fear losing their jobs.

Local Dynamics

There are 12 villages around ASSBY that directly or indirectly benefit from ship-breaking activities. A few years earlier, the local village people had protested the environmental pollution caused by ship-breaking activities; however, such protests are no longer made, and one finds a complete silence as far as the organisation and mobilisation of village people around pollution is concerned.¹⁷ Most panchayat leaders no longer look at the long-term impacts of the ship-breaking yard on their living standards and agricultural activities; rather, they are happy with the benefits that have resulted from the yard.

For example, most workers who have migrated to Alang-Sosiya with their families prefer to stay in the nearby villages (there is no housing facility available near the ship-breaking yard). The local business that has accrued due to the presence of more than 35,000 workers has benefited the villages, and provided local people with an opportunity to improve their economic conditions, says Ghanshyam Singh, sarpanch of Alang village. "If we benefit from the ship-breaking yard, why should we oppose it?" asks Mansur Bhai, sarpanch of Munnar village. "I have been providing water to plot owners and also to the workers' *basti*, and earn thousands of rupees everyday. My relatives are also in one way or another associated with ship-breaking activity. So it is not possible to oppose it as our personal relations and businesses will be affected", says Bhagvatsinh Haubha Gohil, sarpanch of Sosiya village.¹⁸

Local bodies in India are empowered through a number of policy and statutory provisions to initiate action against industries for polluting their jurisdictions. The legal framework has empowered many local bodies and village committees across the country to raise their voices against the unequal distribution of environmental goods and burdens. For example, the Perumatty panchayat in Plachimada area, Palakkad district, Kerala, has refused to renew the licence of the Coca-Cola plant in that area, as it caused groundwater degradation and pollution. Similarly, people from 12 gram sabhas in the Niyamgiri Hill areas of Rayagada and Kalahandi districts, Odisha, rejected the Vedanta Aluminium Limited (VAL) company's proposition to mine bauxite ore in the Niyamgiri Hills on the grounds of violation of their cultural and forest rights.

Unfortunately, not a single panchayat in and around the ASSBY has protested against environmental pollution, or supported workers' demands for better living conditions and infrastructure.

The Way Forward

There is an urgent need to evolve multi-pronged strategies to resolve the major issues related to the working and living conditions of migrant workers. At the national level, the roles of multiple implementing agencies need to be coordinated; these agencies should function within an integrated governance framework and enforce laws in a transparent and democratic manner. Agencies required to implement various labour laws need to be held accountable. There cannot be any further delays in ensuring basic working and living conditions for workers, and the responsibilities of each implementing agency need to be fixed.

Second, efforts should be made to bring diverse groups across south Asia, especially in India, Pakistan and Bangladesh, working in the field of toxic and hazardous wastes, together, so that pressure can be levied for an integrated approach in these countries to address workers' rights, and the environmental issues resulting from ship-breaking. Given the trans-boundary effect of ship-recycling industries, national regulations that have no grounding in the international realities of the trade will be ineffective in regulating the behaviour of ship-breaking industries.

Attempts also need to be made for an international legislation on ship-breaking. In most countries with a thriving ship-breaking industry, particularly in India, it is generally the larger political economy and interests of the market that determine the operation of these industries, at the cost of the environment and workers' health (Kumar 2011).

Third, the government machinery should provide adequate space for workers' representatives to articulate their concerns in policy formulation and the implementation of labour laws. This can be made possible by allowing workers' participation in safety committees. Workers should have the right to seek remedies and, in the case of occupational diseases, identification procedures should be strengthened by putting in place special departments in hospitals. Equally important is the

framing of compensation laws in a manner that allows for very little time gap between the claim and the actual receipt of compensation in cases of injury or death.

Trade unions in Gujarat also need to show some teeth in addressing the increasing violation of workers' rights at Alang-Sosiya. At present, there is no space for migrant workers to raise their voices in the decision-making process with reference to ship-breaking activities at Alang-Sosiya. Representatives from among ship-breaking workers need to be recognised in the decision-making process.

Finally, there is no comprehensive occupational health and safety law in the country. As mentioned earlier, although there is a provision to ensure better working conditions in the Factories Act and the Mines Act, efforts made by hazardous industries to implement such provisions are inadequate. In

ship-breaking industries, there have been no efforts made as far as workers' health and safety issues are concerned. The health and safety of ship-breaking workers at Alang-Sosiya can only be protected if the philosophy and approach to occupational health and safety is broad and universal, along with a scientific classification of the work process so that all occupations come under one umbrella.

As the Government of India is planning amendments to labour laws with a view to providing a safe working environment for workers, every attempt must be made to protect and respect workers' rights. The proposed amendments must be based on the principle of non-regressive measures, as any dilution of labour laws to promote industrial activities will lead to a further deterioration in workers' safety and living conditions.

NOTES

- 1 See Narendra Modi's speech at the Kanpur rally during the campaign in October 2013.
- 2 There are a total of 169 plots available for ship-breaking but by May 2014, only 132 plots were functioning.
- 3 Information obtained from the Ship Recycling Industries Association India, September 2013.
- 4 Around 6% of the steel requirements of India come from its ship-breaking activities. For more details, see NGO Ship Breaking Platform, Brussels, Belgium.
- 5 Information obtained through discussions with Gujarat Maritime Board staff members, September 2013.
- 6 In every IMC from 2004-13, the employers and representatives of the Gujarat government have given assurances that the construction of dormitory-type accommodation for 1,008 workers would be completed, but no significant development had been made in this direction till May 2014. For more details, see Ministry of Steel, Government of India, New Delhi.
- 7 This information was shared by workers during data collection in September 2013.
- 8 Gopal Krishna, environmental and social activist, however, is of the opinion that reporting on workers' deaths is poor, and that the real figure would have been closer to 2,000.
- 9 This information was shared by the workers during the visit of the NHRC team to the Alang-Sosiya yard on 25-26 May 2014. During the interaction, some workers had even gone to the extent of complaining, "We were given the personal protective equipment that are not in good condition; also, in case we fail to return the safety equipment, the industrial management deducts Rs 500 from our salary."
- 10 In emergency situations, the workers usually have to wait for a government ambulance, or for the ambulance provided by the ship-breaking association.
- 11 A total number of 16,067 workers have registered under the ESI scheme, but the number of pehchan cards issued is only 2,707; no effort has been made to create awareness among workers to enrol for the pehchan card, which is very important if one is to avail the benefits under the ESI scheme.
- 12 The IMC chairman expressed concern over the irregular meetings of IMC members at the 15th meeting; also, the 15th meeting took place on 18 October 2012, soon after the tragic accident on 6 October 2012.
- 13 Till December 2013, 15 IMC meetings had been organised from 2004-13.
- 14 Discussion with Sudhir Chadha, 1 September 2013.

- 15 During my visit with the National Human Rights Commission (NHRC), New Delhi, to Alang-Sosiya on 25-26 May 2014, a number of NGOs and trade unions claimed to have been working in this area for many years. However, in our interaction with workers, we were told that no trade union or NGO had come to their rescue or represented their cause. But many workers acknowledged the presence of the Alang-Sosiya Ship Recycling and General Workers' Association since 2006.
- 16 Interview with Vidyadhar V Rane, December 2013, Mumbai.
- 17 In March 2007, Bhagvatsinh Haubha Gohil, Sarpanch of Sosiya, tehsil Talaja, Gujarat, filed an application in the Supreme Court on behalf of 12 sarpanches and 30,000 people who live within 1-25 km from the ship-breaking yard at Alang, but the case was never followed up by the petitioner.
- 18 Personal interviews with Ghanshyam Singh, Mansur Bhai and Bhagvatsinh Haubha Gohil, August 2013.

REFERENCES

- Abdi, Rupa (2003): "India's Ship-Scrapping Industry: Monument to the Abuse of Human Labour and the Environment", *IIAS Newsletter*, 32 (November).
- Dave, Vimukt (2014): "Ship Recycling Industry Rejoice after Import Duty Cut", *Business Standard*, 18 July.
- Demaria, F (2010): "Ship Breaking at Alang-Sosiya (India): An Ecological Distribution Conflict", *Ecological Economics Journal*, 70: 250-60.
- Gaikwad, Rahi (2014): "Corruption and Poor Law Enforcement Set Death Traps for Alang Workers", *The Hindu*, 18 August.
- Krishna, Gopal (2012): "Seeking Relief for Recent Cruel Death of Alang Workers, Shipbreakers

Arrest Ahead of IMC Visit to Alang Beach", Letter to the Chairperson, Inter-Ministerial Committee (IMC), 12 October. Available at <http://www.toxicwatch.org/2012/10/seeking-relief-for-recent-cruel-death.html?m=0>

Kumar, Ramapati (2011): "Ship Dismantling: A Status Report on South Asia", A project funded by the European Union, and published by Euroconsult Mott MacDonald and WWF-India.

NIOH (2006-07): *Annual Report* (Ahmedabad: National Institute of Occupation Health).

Puthucherril, Tony George (2010): *Legal Aspects of Sustainable Development: From Ship Breaking to Sustainable Ship Recycling* (Lieden-Boston: Martinus Nijhoff Publishers).

Technical EIA Guidance Manual for Ship Breaking Yard (2009): Report prepared by the Ministry of Environment and Forests, Government of India, New Delhi.

Tiwari, Manish (1998): "Titanic Junkyard - Alang, Gujarat", *Down to Earth*, 15 March, available at http://ban.org/library/down_to_earth.html (accessed on 28 February 2014).

Ujjas Mahila Sangathan (2013): "Closing the Enforcement Gap: Findings of a Community-Led Ground Truthing of Environmental Violations in Mundra, Kutch", Report prepared by Namati - Centre for Policy Research, Mundra Hitrakshak Manch (Forum for the Protection of Rights in Mundra), Machimar Adhikar Sangharsh Sangathan.

United Nations Educational, Scientific and Cultural Organization (UNESCO) (2004): *Impacts and Challenges of a Large Coastal Industry: Alang-Sosiya Ship-Breaking Yard, Gujarat, India*.

United Nation General Assembly (2010): "Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights" (Okechukwu Ibeanu: Human Rights Council), 12.

EPW Index

An author-title index for EPW has been prepared for the years from 1968 to 2012. The PDFs of the Index have been uploaded, year-wise, on the EPW website. Visitors can download the Index for all the years from the site. (The Index for a few years is yet to be prepared and will be uploaded when ready.)

EPW would like to acknowledge the help of the staff of the library of the Indira Gandhi Institute of Development Research, Mumbai, in preparing the index under a project supported by the RD Tata Trust.