

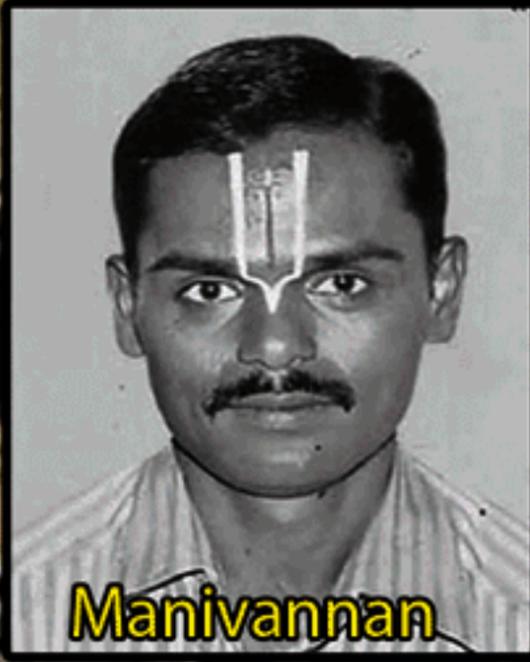
FREE THE PRISONERS

**Eight Workers:
Sentenced To
Two Lifetimes In Jail
For The 'Crime' Of Fighting For
Workers' Rights
And Organising Them In Trade Union**

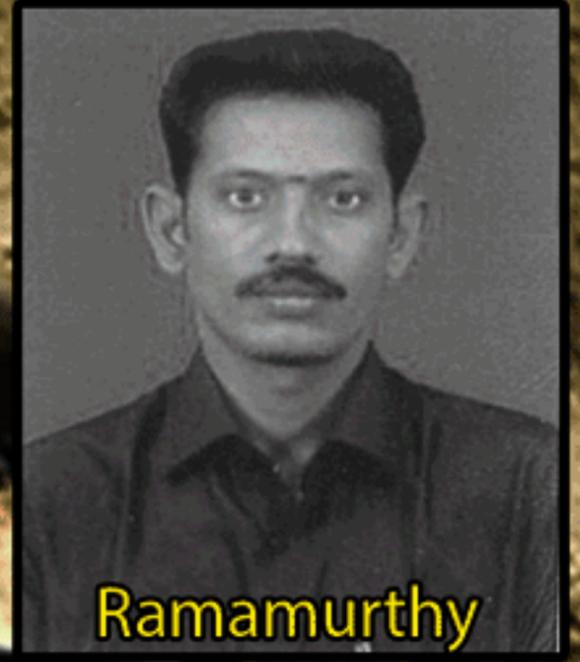
Fight the Double Life Imprisonment
for Trade Union Activists!

AICCTU

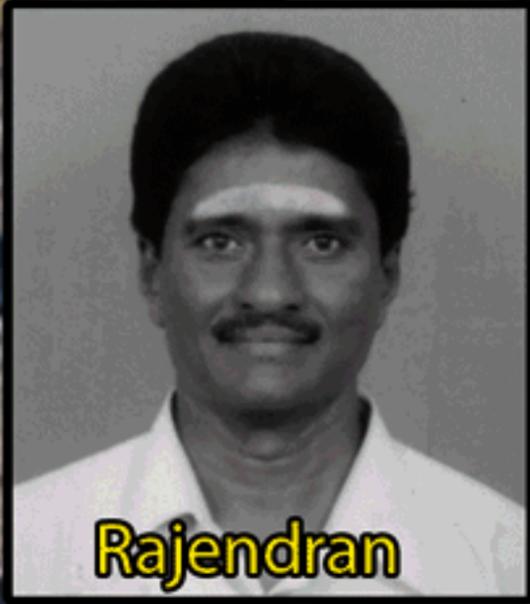
The PRICOL Eight !



Manivannan



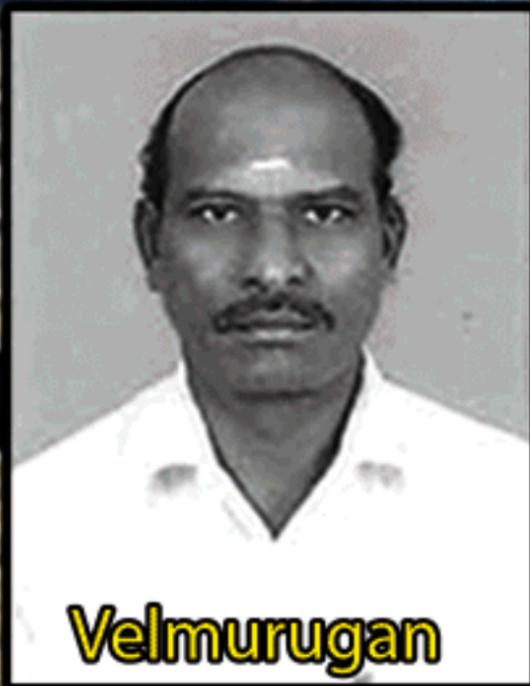
Ramamurthy



Rajendran



Shivkumar



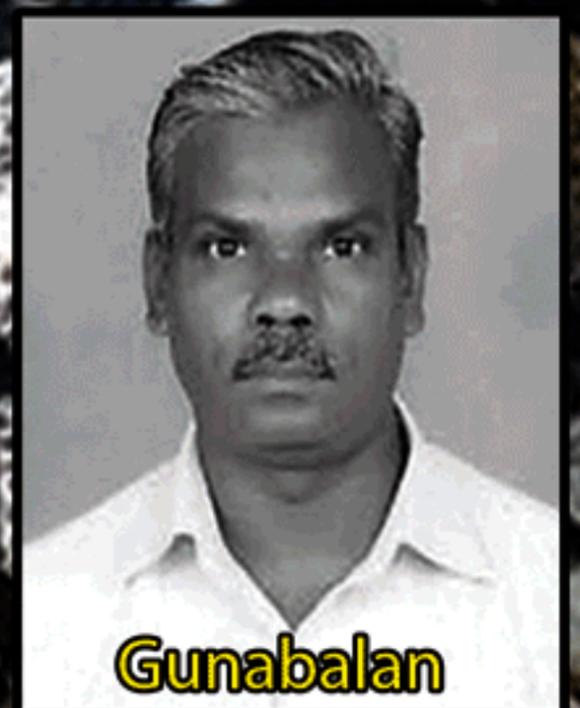
Velmurugan



Sampathkumar



Saravanakumar



Gunabalan

FREE THE PRICOL EIGHT

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Free the PRICOL Eight !

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Free the PRICOL Eight !

Fight the Double Life Imprisonment for
Trade Union Activists !

Eight Workers: Sentenced To Two Lifetimes In Jail
For The 'Crime' Of Fighting For Workers' Rights And
Organising Them In Trade Union

Eight workers have been sentenced with double life imprisonment for the 'crime' of struggling for workers and organising them in a trade union. This is probably the first time such a verdict has been given against workers or a trade union where the deep class hatred, prejudice, and enmity of the capitalists/corporate houses towards workers asking for their rights can be clearly seen. The message of the verdict is clear- if you raise your head, if you form the union of your choice, if you talk about your rights and wages, you will be crushed. The working class of the country is constantly being given this message.

Pricol Limited is an automobile component manufacturer with units in Coimbatore, Pune, Gurgaon and Uttarakhand. It has overseas units in Indonesia and Brazil. Pricol group engages in real estate, construction, travels and hospitality sector.

The workers of Pricol Ltd. (Coimbatore, Tamil Nadu) were agitating for implementation of labour laws and to get wages according to the labour law. Therefore they formed their own union, but the management kept refusing to give recognition to the union. On 3 December 2015 the Coimbatore Sessions court pronounced a sentence of double life imprisonment on 8 workers of the Pricol union '*Kovai Maavatta Pricol Tozhilargal Ottrumai Sangam*' (Coimbatore District Pricol Workers' Unity Union) — Gunabalan, Manivannan, Rajendran, Ramamurthy, Sampatkumar, Saravanakumar, Sivakumar, and Velmurugan.

A Calculated Attack On Working Class Movement

‘The very severity of the verdict – in a case lacking in any evidence of wrong-doing, let alone murder – suggests that the verdict is not just an ordinary judgement against some accused workers. Rather, it is a calculated attack on India’s working class movement – in effect, it is like a warning to trade unions and workers all over the country to comply with the current political-economic attack on labour laws and unions – or else be criminalised.’

Obviously this conviction is scripted to favour corporates in a class war, in the same way that the murderers of Dalits in the Bathani Tola and Laxmanpur Bathe carnages in Bihar were legally acquitted, and the 14 peasants agitating to defend their water-chestnut pond from feudal powers in Jehanabad were sentenced to life under ‘TADA’ in 2003. They had also not killed anyone. The message is clear—the blood of the poor, workers, and dalits does not count, and the crimes of the rich and the powerful, the capitalists, and the feudal powers do not count as crimes at all.

This time the attempt is to teach India’s workers that trade union activism will be treated on par with organized crime or terrorism – and punished with draconian sentences. Workers are being incarcerated for long years in many places across the country including Manesar (Maruti), Noida (Graziano), and Sahibabad (Allied Nippon).

The 8 martyred workers of the Chicago Haymarket in whose memory the whole world now celebrates 1 May as Workers’ Day, were also punished on false charges for the crimes of conspiracy and murder because they fought for an 8 hour working day for workers. Today even after 130 years, agitating workers are being similarly punished on false charges. But the working class was victorious then, and achieved the 8 hour working day; today also, the working class will definitely be victorious against the loot of labour and wages despite all the conspiracies and false punishments given by the capitalist class.

What happened in Pricol?

And what happened in the court afterwards?

Let us go through the events preceding the tragic death of Pricol HR Vice President Roy J George in September 2009 which became the basis for the conspiracy behind this case. This incident has been made the bogey for the attack on the workers' successful agitation and the union leaders. The Pricol management has been quite notorious for flouting labour laws, court verdicts, and government directives. Let alone giving recognition to a union with an overwhelming majority of workers' support, the management constantly oppressed workers for siding with the union in the hope that this intimidation would succeed in breaking the union. Severe wage cuts were slapped as 'punishment' and thus the workers were deprived of tens of thousands of rupees. However, the Pricol workers kept up a spirited struggle and continued the fight for their rights.

From 2007 the Pricol management had been illegally depriving the workers of DA (Dearness Allowance) and wage increase, causing each worker a loss of Rs. 950 to Rs. 1600 per month. The union took up this matter and complained to the labour department and the State government at the risk of the union leaders being fired from their jobs. In response the government had to issue a notice against the management in March 2009. Apart from this each board member of the management was issued a show cause notice under the Unfair Labour Practices, wherein they were asked why they had stopped the wage increase of workers for being members of a union.

The union also proved, with fully documented evidence, that apprentices and contract labour were being employed in an illegal way in the factory's main production. The government was forced to issue another notice on 15 April 2009 advising the management not to engage apprentices and contract workers in such works. The management did not heed to this advice, upon which a surprise inspection was conducted in the factory on 21-22 May and the management were caught red-handed making illegal use of apprentices and contract workers. After this the union demanded that the government pass a legal order against

Pricol management. Pricol workers started an indefinite hunger strike from 15 June in support of their demand.

The echo of this strike reached far and wide throughout the state. Other unions and even the general public started coming to meet the striking workers. Lakhs of pamphlets were distributed in their support and the banners were erected on the nearby high way. The workers, the unions and the people were moved. Emotions ran high as the fast moved from day to day. Political activists, unions, social activists, workers and the general public stood in a queue and met the fasting workers. There were poignant scenes when children visited their fasting mothers and fathers.

On the 12th day of the strike the condition of some women as well as men workers became quite serious. The other strikers persuaded them to leave the place but they themselves remained there, avowing that until their matter was not discussed in the Tamil Nadu Assembly or their demands were not met, they would continue with their hunger strike.

Under pressure from the union's struggle the Tamil Nadu government had to hold a discussion in the Assembly and also had to give an assurance that the Pricol workers' demands would be met under any circumstances. A statement was given in the Assembly that the indefinite hunger strike by the union has been ended after their demands were agreed to. A day earlier on 29 June 2009 the labour department had issued an order that the management could not use apprentices or contract workers in the main production work. At the same time the department also directed the management that apart from wages all workers should be paid a monthly interim relief of Rs 500 and Rs 400 with effect from 1 June 2009.

This was a historic order with great significance for workers across the country. Such an order is not a small thing in the present times when contractualization is being openly practised. Pricol workers had achieved this after a very long and well-planned struggle.

Though the government had issued the directive, obviously their sympathy was with the management. The defiant management, instead of obeying the directive, filed a petition in the High Court so that the matter could be delayed.

All India President of AICCTU Com. Kumarasamy, himself a

senior HC advocate, was to appear on behalf of the workers in the Tamil Nadu High Court on 29 September 2009. It was in the backdrop of this sequence of events that Com. Kumarasamy and 26 others were falsely implicated in murder conspiracy case only to prevent them from seeking due justice in the abovementioned case in the High Court.

How the case proceeded in the Court

In all, 27 workers, union activists, and leaders were made accused in the case. This included National President of AICCTU Com. S. Kumarasamy who was nowhere near Coimbatore on the said day. AICCTU leader in Pricol M. Guruswamy was also implicated who was not employed in Pricol's Plant-1 at that time. It came to be known that his name was added to the FIR and the complaint at the last minute.

Since the court had no proof it had to acquit 19 out of the 27 accused. Why then were 8 sentenced?

When the judgment found that the prosecution failed to prove criminal conspiracy, then is it not natural that all the charges based on conspiracy should also fail? AICCTU leaders Kumarasamy and Guruswamy were acquitted because the case was false. If Comrade Guruswamy was so obviously wrongly and brazenly implicated, then should the whole case against the other workers also not be questioned?

The other question here is – why would Union leaders who had planned and led peaceful agitations and achieved successful agreements since 2007 hatch a conspiracy to murder the very man with whom they were negotiating? Running unions is not a conspiratorial activity – its success depends on political judgement and leadership, not on murderous plots!

What was the real evidence against the accused?

1. The verdict tells us that the murder was committed with eight iron rods – so, it is implied, at least eight men needed to be convicted for it! What evidence there is to link these particular eight men with those eight rods is a matter of minor detail – of no consequence as far as this

judgement is concerned! So, we find that no bloodstains of Mr George were shown on the rods; no finger prints linked the rods (allegedly the murder weapons) with the convicted men. Further, the prosecution claims there were eight wounds on Mr George's body (corresponding to eight rods), while the doctor who admitted Mr George said there was one wound, while the post mortem report said there were three wounds. There is simply no evidence to establish either the number of rods, or the rods as the murder weapons or the eight workers as the 'killers.'

2. Moreover, the prosecution case was full of obvious, glaring falsehoods, disproved by their own witnesses or other indisputable facts. For instance, the prosecution, in a written counter to a discharge petition filed by some of the accused, had stated that a CCTV recording not only showed the time and place of the occurrence, but also revealed the identity of some of the accused persons who were not named in the FIR and the overt acts of some of the accused. When the said CCTV footage was actually produced in court, it showed nothing of the kind. To explain away this simple contradiction in the prosecution's own claims about its own evidence, the judge chose to rely on a claim by the IO (Investigating Officer) who stated that the CCTV did not function on 21st September. Surely the judge should have asked, if the IO knew that the CCTV did not function, how come the prosecution claimed the opposite so positively, in writing, earlier? The IO, questioned on the stand, also could not say who exactly told him the CCTV did not function on the said day. The obvious conclusion should have been that the CCTV footage was probably suppressed by the prosecution because it contained something that might have contradicted their case and embarrassed the Pricol management. But the judgement did not draw this inference. Why?

3. The incident was said to have taken place in the HR vice-president's chamber at 11.40 AM. The IO, however, said he was present outside the chamber between 11.41 AM. to 11.46 AM. on the same day, and that no one – neither from the Pricol HR department or the armed reserve police (which had been deployed in Pricol for more than a year) told him about any untoward incident or even about any ambulance being needed to take injured persons to the hospital.

This was a key prosecution witness, categorically stating he was present just outside the place of the alleged murder – and yet he saw or heard nothing untoward! He saw no killers fleeing, no unusual activity! Yet, the prosecution did not declare him a hostile witness. Further, there is no evidence that anyone – of the more than 1,000 workers, hundreds of officers, directors or the injured or eye witnesses – made a phone call to the police or summoned the police station that is a mere ten minutes away.

4. The judgement, for the purpose of explaining the false claims about CCTV footage, held the IO's statement to be reliable rather than the written evidence of the prosecution's own previous claims. The judgement, which relied on the IO's statement when it suited the prosecution case, chose not to do so when the IO's statement was inconvenient and contradictory to the prosecution case. The judgement merely observed that it was "unfortunate" that the investigating officer's evidence was contrary to the prosecution case!

5. If the IO was present right on the spot, why the delay of several hours in lodging of an FIR (it was lodged at 6.30 PM.)? Why the delay in submitting the FIR to the magistrate (it was submitted the next day – an inexplicable and suspicious delay since such delay is commonly associated with false cases).

6. To explain the delay, the prosecution claims that the injured were admitted to hospital in a staggered way (the deceased who was battling for life was admitted at 1.22 PM and others were admitted at 2.30, 3.00 and around 3.30 PM). But the nurse who accompanied the injured to the hospital has stated that she got them admitted in the hospital and remained there for 15 minutes and returned to the factory in the same ambulance. The ambulance register states that the ambulance left the factory to the hospital at 11.50 AM with the injured and returned at 1 PM. This totally contradicts the prosecution's attempts to explain the delay.

When a Salman Khan who crushed pavement dwellers to death or perpetrators of Dalit massacres are acquitted, then even the most unshakeable eyewitness evidence is deemed 'not enough' to convict, and there is zero pressure to hold 'someone' guilty. But in a case where workers and union activists are implicated, what does it matter that the

death is not proved to be a murder; neither murder weapons nor killers are proved; and most of the prosecution's claims are contradicted by their own key evidence and witnesses?

Pricol Workers - 10 Years of Struggle

In the Coimbatore unit, the overwhelming majority of the workers formed two unions affiliated with AICCTU in early 2007. The management refused to recognize the unions and negotiate with them. Rather it threatened to leave Coimbatore if the workers do not leave the new unions.

Workers' Long Marches

Pricol workers led 2 'Long Marches' in Tamil Nadu at the state level to raise workers' various demands. The chief demands were - 20,000 per month minimum wage, housing rights, recognition for unions with a majority, apprentices' rights through LA Bill 47/2008 with immediate notification to this effect from Central government.

Pricol comrades played a leading role in organizing all India strikes.

Won Trade Union Recognition and Wage Increase

In spite of the murder case inflicted on them, they remained firm in their unity which forced the management to give their union recognition in 2011 and enter into talks with them. In 2012 and 2014 the management had to accept two wage agreements as a result of which a worker with 25 years of service in Grade 5 who in 2007 (before recognition of the union) was getting Rs 8593 would in 2015 (after recognition of the union) get Rs 24,427 total salary. Before recognition a worker with 25 years of service was getting terminal benefits amounting

to Rs. 1.25 lakh; in 2015 (after recognition) he gets 3.55 lakh.

In the past decades production and productivity increases were arbitrarily and unilaterally imposed by the management on the workers. But now in the last two agreements production and productivity increase are decided by collective bargaining.

In these days of reduction of work force, they were successful in getting more than 230 workers confirmed and in prevailing upon the management to settle the cases of more than 500 workers whom the management claimed were complete strangers.

In 2007 women workers of Pricol organized a 17 hour Road Block during the strike and at one time played a leading role in gheraoing the factory and breaking the police cordons.

Braving the Repression, With Firm Determination

Every possible trick was used to break the Union and demoralize the workers. For example:

1. False cases were slapped on the workers through the police
2. As punishment, the company transferred several union activists to the Uttarakhand unit.
3. Workers associated with the union were denied wage increase. Their regular wage increments and allowances were stopped.
4. Several workers were demoted.
5. A portion of the company was locked out.
6. Several were terminated or retrenched.
7. It was conveyed by the management that if the workers left these struggling unions everything would be returned and everything would become all right.

However, the workers kept up their struggle against this administration-management-police nexus both on the streets and in the courts and on the strength of their unity and fighting spirit they spread the agitation within as well as outside the factory; so much so that the

Tamil Nadu State government had to intervene under section 10 (1), 10 (3) and 10 B of the Industrial Disputes Act. Further, Pricol workers won many victories on various issues in the High Court and Supreme Court.

When all the tricks and lies of the management failed and the police and the administration also could not thwart the workers, they slapped serious and false cases such as murder and conspiracy to murder on the workers and sent them to jail.

Why are capitalists afraid of unions like the Pricol workers' unions?

The workers of Pricol Ltd. are not fighting for themselves alone. They raise all issues of the working class and are associated with various social concerns. That is why, inspired by the Pricol struggle, workers in Sriperambudur (which is often compared to the American automobile hub Detroit) started forming their own union. The Hyundai workers here were the first to display the courage to walk in the footsteps of the Pricol workers. Trade unions also came up in many other factories in Sriperambudur. Pricol workers have carved a place for themselves in the working class struggle of Tamil Nadu.

In spite of the witch-hunt of workers and the court verdict, the uniqueness of the Pricol struggle is that the workers here have kept up a ceaseless fight and the union has only gained in strength.

After the verdict, the management is preparing for new assaults on the workers. The Pricol workers have decided that they will celebrate the beginning of the 10th year of their struggle on 5 March 2016 in the form of a festival throughout the year. This will be a festival of winning trade union recognition, a festival of forcing companies to implement labour laws, and a festival of victorious struggles.

8 leaders of the Pricol workers are in the Coimbatore jail. This is the same jail in which the martyred workers of Chinniyampalayam were incarcerated and later hanged. This the same jail in which freedom fighter VO Chidambaram was imprisoned.

Pricol workers are doing everything possible for the speedy release of their 8 comrades, who are being widely praised as the heroes of the struggle.

The Pricol workers, in an act of remarkable courage and solidarity, remembered the woes of others in their own time of great trouble. They need to support the families of the convicted and jailed colleagues and comrades – but first, they spared a thought for others. On their first salary day after the verdict, they collected Rs 5 lakh for the flood-affected of Tamil Nadu and Puducherry. The Pricol workers have also earlier collected funds to help the families of jailed workers in the Maruti's Manesar factory. They had also collected and sent funds for flood relief in Bihar and earthquake relief in Nepal.

The union has been made the target of this particular severe sentence because of its successes, its courageous spirit, and its social concerns. The example set by the Pricol workers has inspired other workers of the automobile sector to form unions and fight for their rights. Corporate houses hope that the verdict will now serve to demoralize workers and establish Pricol as a warning rather than an inspiration. But these are capitalist castles in the air which will never be realized.

Pricol Workers' Struggle - An Inspiration

Pricol workers are now also engaged in the task of organizing the contract workers and sanitation workers of Coimbatore. They are extending a hand to workers of rural and unorganized sectors; at the same time they are also participating vigorously in democratic struggles, so much so that during the case when they were granted conditional bail, they went to live among the rural poor of Pudukottai district and to propagate their agitation and objectives. During their decade long struggle they participated in over 100 people's protests and solidarity campaigns on various people's issues.

We must definitely learn from our resolute comrades from Pricol, Coimbatore and share their message and experiences with the working class of the entire country.

They also now need our solidarity, support, and co-operation—they need the support of the working class and democratic struggles across the world. This court verdict will have far-reaching results which will impact the working class all over the country.

For Industrial Democracy

Incidents similar to the one in Coimbatore are repeatedly occurring in different corners of the country. A year before the death of Mr George at Pricol in Coimbatore, a similar incident had occurred in Greater Noida in which the local head of Italian firm Graziano Transmissioni was allegedly beaten to death by a group of sacked employees. It was reported that the Graziano incident was sparked off when goons hired by the management beat up workers who had been summoned on the pretext of talks. A similar incident had also been reported from Gorakhpur. At the Maruti plant in Manesar, too, a similar incident had taken place. At Gurgaon, the killing of a worker by management 'bouncers' during an agitation against sacking of employees who were leading the struggle to unionise, had sparked off a massive strike. A few incidents involving mill managers have also been witnessed occasionally in the jute mills in West Bengal notorious for huge PF defaults and most anarchic and arbitrary labour practices by the mill owners.

Yet instead of recognising the common thread that runs through such cases – absence of industrial democracy, rampant violations of labour laws and complete denial of the right to unionise, miserable working and living conditions of workers, and recurrent violence and victimization by management against vocal workers – the government and the media tends to join the corporate chorus of defaming the organized trade union movement and calling for labour reforms to give still greater freedom to capital to dictate terms to labour.

Let Us Stand With The Workers Of Pricol

The verdict against the Pricol workers is a result of the animosity of the capitalistic powers against the working class. This judicial verdict is a direct attack on the entire working class and their struggles. We appeal to all workers, and to all peace-loving and democracy-loving citizens to stand in solidarity with the brave comrades of Pricol who are in jail, and to co-operate fully in the struggle for their release.

With this objective, an all India solidarity campaign is under way to gather the support of all the workers, friends, unions and various

organisations, and for generating people's awareness. We appeal to you to be part of this campaign, and also spread this message in and around your neighbourhood.

We also appeal to all organizations and trade unions to send messages of solidarity to the Pricol comrades.

You may do so through e-mail at
pricolworkers@gmail.com

You may also send your message by post to the following address:

KOVAI MAAVATTA PRICOL THOZHILALARGAL
OTRUMAI SANGAM,
126, ESWARAN KOIL VEEDHI,
OPP PRICOL CO-OP STORES,
SRKV POST,
PERIANAICKEN PALAYAM,
COIMBATORE – 641020
INDIA

We also appeal to you to contribute generously to strengthen the struggle of Pricol workers.

Free the PRICOL Eight!

Resist Attacks on the Working Class Movement!

Join AICCTU's Campaign
for Justice to the PRICOL Workers!



Workers of PRICOL marching through the streets of Coimbatore



Workers of the Pricol Ltd. in the flood relief meeting at the factory gate on Dec. 8, 2015



Comrade S Kumarasamy, All India President of AICCTU addressing the Pricol workers in Coimbatore on Dec. 6, 2015

Eight workers have been sentenced with double life imprisonment for the 'crime' of struggling for workers and organising them in a trade union as per the law. This is probably the first time a verdict has been given against workers or a trade union where the deep hatred, prejudice, and enmity of the capitalist/corporate houses towards workers asking for their rights can be clearly seen. The message of the verdict is clear—if you raise your head, if you form the union of your choice, if you talk about your rights and wages, you will be crushed. The working class of the country is constantly being given this message.

Resist The Attacks On The Working Class Movement !

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FREE THE PRICOL EIGHT

