

Meeting on Issues related to Coal Fired Thermal Power Plants in India

Ahmedabad, Gujarat

28-29 August 2016



BACKGROUND

There are more than 350 Coal Based Thermal Power Plants in the country and more plants are being permitted to be established every year. These plants established by both private and public companies, cause grave damage to the environment around the plant and severely impacts the communities living in the surrounding regions. The work in these plants has been termed as hazardous and the workers in these plants work in extremely dangerous conditions and fall prey to several occupational diseases like Silicosis, Asbestosis, Noise induced hearing loss and many more. In the state of Gujarat, many workers have been diagnosed as suffering from these diseases.

The Supreme Court of India in a landmark judgement ordered several important pro worker guidelines to be implemented by these Coal Based Thermal Power plants which will help in ensuring that the workers do not fall ill because of their work conditions. The guidelines are as below –

1. Comprehensive medical check-up of all workers in all coal fired thermal power stations by doctors appointed in consultation with the trade unions. First medical check-up to be completed within six months.
2. Free and comprehensive medical treatment to be provided to all workmen found to be suffering from an occupational disease, ailment or accident until cured or until death.
3. Services of the workmen no to be terminated during illness and to be treated as if on duty.
4. Compensation to be paid to workmen surrendering from any occupational disease, ailment or accident in accordance with the provisions of the Workmen's Compensation Act 1923.
5. Modern protective equipment to be provided to workmen as recommended by an expert body in consultation with the trade unions.
6. Strict control measures to be immediately adopted for the control of dust, heat, noise, vibration and radiation to be recommended by the National Institute of Occupational Health (NIOH) Ahmadabad, Gujarat.
7. All employers to abide by the Code of Practice on Occupational Safety and Health Audit as developed by the Bureau of Indian Standards.
8. Safe methods be followed for the handling, collection and disposal of hazardous waste to be recommended by NIOH.

9. Appointment of a Committee of experts by NIOH including therein Trade Union representatives and Health and Safety NGO's to look into the issue of Health and Safety of workers and make recommended.

The Supreme Court further ordered all the High Courts in the country to monitor the work place conditions and the implementation of these guidelines in the Thermal Power Plants in their jurisdiction. Following this, many High Courts filed a “Suo Moto” petition to ensure that the Supreme Court’s order is implemented. Although all the high Courts are taking a different approach where in some have made all the Thermal Power plants in the state as a party in the case, Some high Courts like Madhya Pradesh have involved only government departments in the case. In some cases, a team of experts have been constituted to monitor the plants, the Karnataka high Court ordered BIS to monitor 3 power plants in the state. There is no one model of approach which is being followed in all the High Courts.

OBJECTIVES:

The objectives of the gathering were:

- To bring together the workers, union officials, doctors and local organizations on the matter related to occupational health in coal fired thermal power plants.
- To share condition of the workers and their struggle related to occupational health so that unions and local organizations can come up with a common solution to provide legal support and health benefits to all the workers.
- To update the workers and union representatives regarding the Supreme Court Judgement and the proceedings in different High Courts and to seek ways to ensure that the different cases do not become an eye-wash.

Highlights of the Meeting

The meeting on issues related to Coal Fired Thermal Power Plant in India was organized by Environics Trust on behalf of OEHNI in collaboration with OHSA and supported by AMRC in Ahmedabad. A total of 50 participants from 7 states of India discussed on the past, present and future scenarios of the theme of the meeting. The participants included workers from various power plants in India, union officials from industrial areas and power plants, local organizations



working towards betterment of health conditions for workers, occupational health experts and lawyers. The main focus was on the Supreme Court's judgement in WP079/2005, through discussion on the scenarios in various power plants and respective state's High Court proceedings.

Why Ahmedabad?

From among all the cases that are being followed up in various high courts, as directed by the Supreme Court, the case in Gujarat High Court is the one which is most progressed. OHS, the main respondent in Gujarat High Court and the original petitioner in the Supreme Court is based in Ahmedabad. From all the participants, the maximum participation was from Gujarat which included a number of workers, union officials and activists from various parts of Gujarat; hence Ahmedabad was opted to be most suitable venue.

The proceedings for the meeting started with Raghunath K. Manwar's presentation, he has spent the last 37 years of his life working in a power plant. He embarked on a mission to improve industrial worker's health in Gujarat and in a few other states. He explained about different sections that are present in the power plant and the dangers which the workers are exposed to while working in each of these sections. Coal fired thermal power plants (CFTPP's) emit large-scale pollutants. Getting exposed to these hazardous materials causes various diseases such as silicosis, asbestosis, deafness, cancer, skin diseases etc. Not only these occupational diseases, but the emissions also cause grave harm to the environment and to the communities residing close to the plant. Many workers live in the vicinity of the plants and they are exposed not only at the workplace but also at their homes.

Raghunath Manwar shared his experiences working with the victims employed in CFTPP's across Gujarat. He stated that as per laws numerous and regular tests such as X-ray, PFT, Audiometry etc., are ought to be conducted to ascertain the worker's health, which unfortunately are rarely conducted. Safety gear should be provided to all the employees working in the power plant. Cases have been filed in Supreme Court regarding working conditions in CFTPP's, in which his organization has also actively participated.



Raghunath K Manwar, OHSO



Participants viewing Presentation on occupational hazards

S. H. Iyer, Advocate, Gujarat High Court

Advocate Iyer is representing OHSO in the Gujarat High Court. He spoke about the current situation of the case in Gujarat High Court, he also pleaded with every union official, local activists and workers present to give detailed information about their region, so that solution to those issues can be drawn with mutual understanding and open discussion, he also urged to give an approximate number of workers in respective CFTPPs.



Shriram Verma, NTPC Tanda, HMS, Uttar Pradesh

He revealed the number of workers in TPS at Tanda as of 2014 - 425 permanent workers and 2000 contract and casual workers. He also mentioned that the medical checkups for all the workers are being conducted in every six months and various tests such as X ray, PFT, blood tests etc are being conducted for the workers, but added that no medical reports are given to them. He narrated a recent accident in which a turbine's roof collapsed and one worker lost his life while another worker was seriously injured. The dead workers body was discovered with limbs separated. The General Manager arrived at the accident spot to inspect about the causality and losses and the deceased worker's family was provided with a compensation of INR 8 Lakhs. There are various issues which are faced by the workers in the power plant like heat and vibrations but the management is not serious about fixing them. On the other hand, it is often seen that whenever there is a conflict between the workers and management, the workers back off from any sort of protest and don't stand for their own good.

PirthviBarpete, AITUC, Madhya Pradesh

He spoke about Singrauli and nearby areas of which he has knowledge about the current scenarios and situation. He said in that area 4 TPPs at Satpura, Chachai, Khandwa and Birsinghpur have been shut down by the government due to coal shortages. In these power plants, 1865 permanent workers and more than 3000 contract workers used to work; all the contract workers are hence, unemployed and are facing daily life challenges, since the area doesn't consist of any privately owned power plant, so these workers are not getting any type of employment opportunities. According to assumptions and requirement, 15000 MW of electricity is required but only 8000 MW of electricity is being provided.



V. U. Patel, Torrent Power Plant

He spoke about a civil application form filed in 1997, through which a medical camp was conducted in Bapunagar in which various tests were conducted such as lung function test, PFT, X ray etc. Dr.Parikh (Ex-NIOH expert) informed the workers about occupational health issues and hazards in coal fired thermal power plants. As per Mr Patel, medical checkups have not been conducted in the power plant for the past 7 year and the companies are liable to arrange for medical checkups of the workers every 6 months. From his 22 years of working experience in the boiler area he added that workers are ready to fight for their rights but the non-availability of unions in the plant have lead them down and helpless against the management.

Gandhinagar Thermal Power Station

Workers coming from Gandhinagar thermal power station spoke about the medical test which was done for 55 workers from the cleaning cell department, out of the 55 workers, 8 workers were found to be suffering from asbestosis, 6 workers were found to be suffering from hearing loss and 1 worker was found to be suffering from silicosis, however, the government didn't approve any of these worker's case and these workers went for



ManubhaiPrajapati speaking on behalf of Gandhinagar Thermal Power Station Worker

another test conducted by government in Government Civil Hospital, Gandhinagar and were given the report that they suffer from no such medical issues. The workers have filed an RTI demanding the doctor's designation and specialization details. The workers are also planning to file an application in the High Court for misleading diagnosis by the government doctors.

Jayantibhai, Wanakbori Thermal Power Station

Jayantibhai works in the cleaning cell in the 210MW power unit of Wanakbori Thermal Power Station, he spoke about the new 800MW unit which is under construction and informed that a medical camp was conducted for 65 workers and 16 workers were found to be suffering from hearing loss, asbestosis and silicosis. There has been presence of hazardous waste such as coal dust, asbestos sheets and no maintenance is done within the plant. The factory inspector just declares on official documents that every worker is provided with safety gear while in reality no PPE (Personal Protective Equipment) is given to any worker and neither any worker is provided with any medical facility by the management.

UsmanGani, Mundra, Kutch

He spoke about the power plants which are there in Kutch, the main power plants are of Adani, Tata and OPG, the power plant of OPG was initially of 2300 MW but due to people movement against it, its size has been reduced to 90 MW. Also due to issues raised by local fishermen the technology was changed from water cooled system to air cooled system, as the polluted water would have harmed the fishermen. In 2016, 21 workers died in a blast inside a boiler but the official number showed only 7 dead. Recently, a worker died while working in the premises of the power plant, but on official record, it was mentioned that the worker died because of drinking. During the construction of plant, it was found that 27 workers died in the chimney section but no records are available and the news was suppressed.

S R Khatib, Joint Secretary Mahagenco, AITUC, Nasik

He spoke about the conditions and present scenarios in power plants in the area nearby, there are about 12,000 permanent and 13,000 contract workers, there are no hospitals available for the workers, no medical tests are conducted for the workers and the workers don't get any benefits of PF and other perks as enjoyed by top officials of the power plant. The difference between salaries of permanent workers and



contract workers is vast; the permanent worker gets almost 10 times more salary than the contract worker. If any worker dies, his family does not receive appropriate compensation, the middlemen and the contractors accept the money from the management by cracking a deal, hence, the management escapes by giving lesser money for the worker's death. Corruption has harassed contract workers everywhere.

Rajendra Patel & Sanjay Parmar, Sikka Power Plant

He spoke about his experience since he started working in Sikka Power Plant in 1986, since then he is working as contract labour, no medical facility is provided to him. Raghunath Manwar helped in the area by conducting medical camp in the area. The management announced that a compensation amount of INR 1 Lakhs will be given to the family of the worker who dies, since the announcement was made, no worker's family has received any compensation from the management. Adding to his statements, he also mentioned that many workers have not received any salary since past 10 months neither they have received any overtime payment for working more than 8 hours a day. Although High Court and the Apex Court have ordered not to terminate any worker still the company has overlooked the decisions of the judiciary system and removed many workers. After many years, only 25% of the workers have been called on for job, rest of them are still waiting.



Ankush Jadhav, Parli Thermal Power Station

He talked about the daily wages, initially it was INR 150-200 per day and now it has been revised to INR 300-600 per day, still the amount is not enough to meet the daily life expenditure of a worker. The worker is not getting any benefits such as PF, medical facilities and over time. He urged everyone to work together and to fight for the worker's right.

Ankush Jadhav

Presentation on status of power plants in various states across the country

Simant of Environics Trust gave details on cases filed against the CFTPPs in court, status of their hearings, proceedings, formation of committees etc. The CFTPP's are categorized state wise with the number of their total units and the status of the plants i.e. whether these are operating, under construction, announced, permitted etc. The Apex Court directed all the high courts in India to monitor occupational health status in their respective states. He threw light on some of the state's high court such as Gujarat, Jharkhand, Maharashtra, Karnataka, Madhya Pradesh etc. He explained about the different scenarios in these cases and how unions and workers can help in spreading knowledge about the case to workers in other CFTPP's, so that an initiative can be taken to improve the working conditions. Adding to his content he mentioned about states in which this case has not been taken on records or no information is available or no progress is there in the case, some of these states are Bihar, West Bengal, Orissa, Chhattisgarh, Uttar Pradesh, Tamil Nadu etc. He asked the present union workers and local activists to help in tracking the cases in the High Courts, where no information or no progress is happening in filed cases.



Asim Roy, NTUI

He spoke about the present situations of the workers. If contractual workers suffer from a disease, they do not tell the reason of their disease and do not take stand for themselves. Every worker needs to be aware of the occupational hazards they are surrounded with and should take preventive measures. This movement should reach out for contract workers especially. Contract workers should not fight alone for their rights as permanent workers; rather they should fight for their rights for fair compensations, safe and secure work environments etc. The job related fights can be done by the Unions. He added that some companies like NTPC has a union while most companies like Adanis' do not have worker unions which is an direct harm for all



the workers working in such plants, as their voice can be easily suppressed.

Dr. Jagdish R. Parikh (Retired), NIOH

He started by stating that the number of accidents in power plant are more than the accidents in any other industry. He further added that the workers need to be aware of their rights and the workers should demand for their safety at the work place, or else they should not work there at all. Medical checkups should be conducted regularly under occupational health legislations and the health records of the workers should be maintained by the concerned industry. The Industry is liable to provide for safety equipments to its workers. He said that workers need to take extra precautions as disease like silicosis can be easily diagnosed but asbestosis cannot be detected that easily. He told that the process of transferring the coal dust into the boiler is dangerous so the workers should wear masks while handling coal dust to avoid any coal borne Pneumoconiosis diseases. While dealing with Boiler related tasks, the workers can also have heat related disease. He concluded that Workers need to be given medical attention and pre requisite safety measures to avoid occupational hazards.

Dr. Jagdish Parikh and Raghunath Manwar



Prahlad Malvadkar, OHSC

He threw light on the ESI act and gave very valuable information. He spoke about the salary of the workers which needs to be revised. The facility of ESI should be within reach of all the workers and their families including the Medical Facility, Secondary examination of the workers and the required compensations. If the worker is injured and cannot come to work, even then he is entitled to get 50% of his salary until he gets better. The compensations are to be given according to the disability or the disease the worker is suffering from. If the worker cannot work due to his disease, then he is entitled to get disability or sickness benefits. Even after the death of the worker, his family is entitled to receive pension. The family of the deceased workers often do not get any compensation while retired workers get full pension. He said that the workers should be aware of the benefits of the ESI. If the contract worker is in the employment area then according to ESI he is entitled to the benefits in case his salary is less than INR 15000 (now revised to INR 21000). If he is not working in the ESI implemented area, then the director general or the regional manager of ESI can be requested for implementation

of ESI. He told about a case in which a Factory worker in U.P. used to work with slate slabs. Even he is entitled for ESI. The workers who work for a 12 hour shift get 6000-8000 salary, if for a reason are not able to go to work are strike out. The union is not aware of some of the situations and the workers need to tell the union about their conditions. The workers need to take much required steps to fight for their rights.

Lakhan Sahu, PCSS

He compared the situation in Chhattisgarh with the situation at other places, which is no different, as workers are not aware of their rights. The workers are not provided any medical facilities. No compensation is given to any worker, the minimum wages are not provided to any worker, the contractor takes money from the management but the actual amount is never given to the worker. Almost every day there is an accident in which either a life is lost or serious injury takes place but hardly anyone gets to know about any such causality and the news is suppressed. Apart from benefits, union movements is also lacking in the state of Chhattisgarh, the worker who fights for his rights are either neglected or suppressed. Situation in Chhattisgarh is worse as it is facing other internal conflicts between the local people itself.



Vikas Bhardraj, Daang Vikas Sansthan, Karauli

He talked about few cases of silicosis. In 2011, within a span of 25 days, 116 workers were diagnosed and among them 101 workers were identified with symptoms. Among these 101 workers 73 workers were confirmed to be suffering from silicosis according to the radiologist. The workers were made aware about their disease. Mine workers and stone quarry workers both need to be aware of the occupation related disease. They should know about their right for safety and security at the worksite and about the work related compensation which they are eligible for. Facilities should be provided for contract workers as well.



Hasrath JayaramPagare, Gujrat Chemical Mazdoor Panchayat

He spoke about the awareness level and about its information on the kind of medical facilities being delivered to the workers. The workers should be provided with Provident Funds. There should be an IC committee and the workers should be aware about the ESI. The contract workers should also be aware of the same. The illiterate workers should be informed about the occupational hazards through interactive mediums. He spoke about this movement which is not for fame; it's a fair fight for the much denied rights of the workers. He further discussed about the worker compensations.



After hearing all of their statements, facts, views and interest towards the scenario with respect to occupational health issue, an open discussion was held.

Open discussion on -:

- How Supreme Court's order can be implemented in every TPP?
- What steps can be taken to make sure that these orders are being followed on ground level?
- Role of Unions
- Involvement of contract workers
- Medical Camp organization

During the discussion, which was more focused on the question HOW? Every individual present in the hall had similar opinion about providing help by acquiring knowledge about occupational health condition in a more precise information, awareness regarding the order needs to be generalized to every individual worker, no matter what the worker's professional tag be (Permanent, Contract, Casual), the motive is to create awareness about one's right and the appropriate and legal way to fight for the rights. Unions needs to be more active at ground level, they should figure out on the aspects of how to connect to contract and casual workers, creating awareness about the order and its benefits, getting involved in the case directly and also to keep an eye on the management. Even if the union cannot get involved in the case, then it should try to provide the amicus curiae appointed by various High Courts with actual facts and figure, which will help him in the case. States in which no or incomplete information is available, unions should help in tracking the case in the state's high court so that appropriate steps can be taken and benefits can be easily provided to the workers. The representatives present from various power plants assured for the necessary help that will be required to set up

medical camps in their area so that health situation of the workers can be checked and diagnosed accordingly.



Participants during Open Discussion



Prahlad Malvadkar, Puran Mehta, Raghunath Manwar (Left to Right)

Conclusion

It has been seen that in almost all cases, the state and power plant operators claim that their workplaces are completely safe and there is no case of any worker suffering from any occupational disease. As per them, all safety norms are followed and all protective equipment's are provided to the workers. However, during our interaction with the workers it was found that these claims are untrue. As per the workers the working conditions inside the plants are extremely hazardous. Some workers stated that there were atleast 2-3 accidents per day inside the plants. The situation of contract and daily wage workers is especially bad and these workers have no social protection, no medical facilities, no educational facilities for children and they are forced to reside beside the plants in unhygienic conditions. More and more of the workforce is now being employed on contract basis which forms about 70% of the workforce in these plants. The management especially in the private plants shift all their responsibilities for these workers on the contractors and it is the poor workers who have to suffer. Several meetings with such workers and union representatives have taken place where in they have been educated about the various legal provisions, work place safety and the importance of the Supreme Court order and the benefits which they can derive.

The gathering ended with a hope to spread awareness among the workers on occupational health issue, making workers aware about their rights and to strengthen the struggle at grass root level. Raghunath Manwar made the closing address of the meeting where he urged the participants to work together, even though not coming from the same background, they should come together for the cause making a change to the ones whom the system has neglected and forgotten.