

**Bangalore Garment Workers' Protest
Demonstration: A
Preliminary Fact-finding Report**

People's Union of Civil Liberties - Karnataka

Women Against Sexual Violence and State Repression - Karnataka

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Introduction

On the two days of April 18th and 19th, 2016, workers of the garment industry, predominantly women, took to the streets in a sudden unplanned demonstration to protest the new ordinance on the Employment Provident Fund by the Central Government. The angst among garment workers was triggered by a newspaper article in *Vijaya Karnataka*¹ – a Kannada daily – on April 16th, 2016. The resulting demonstration was a landmark event, as it led the Central Government to withdraw the ordinance, thus benefiting lakhs of salaried workers across the country.

On May 1st, 2016, the Chief Minister of Karnataka, Mr. Siddaramaiah, congratulated the garment workers for creating “a successful workers’ movement”, which was “historic” and was able to cause the Central government to roll back the “ill-conceived amendments to the EPF Scheme”².

While this protest has been lauded across the country as a victory for workers’ rights, specifically for the distinctive role played by women workers, the response of the state law enforcement machinery has been of utmost repression and violence, with an attempt to systematically create an atmosphere of abject fear, by targeting workers due to their vulnerable class character. The State Government and its machinery, which on the one hand praised the struggle and on the other lathi-charged them, needs to recognize that the garment factory workers resorted to the demonstration as the Central Government’s move to restrict access to their EPF funds was the last straw on their already burdened backs.

1 Article published in Vijaya Karnataka on April 16th, 2016 - <http://www.vijaykarnatakaepaper.com/Details.aspx?id=10710&boxid=18132317> Article published in Indian Express on April 29th, 2016 about the garment workers protest being triggered by the above mentioned article - <http://indianexpress.com/article/explained/how-a-newspaper-article-triggered-epf-flash-strike-in-bengaluru-2775309/>

2 Article published in The Hindu on May 2nd, 2016 - <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/may-day-garment-workers-issues-dominate-programmes/article8545446.ece>

This report is an inquiry into the human rights violations by the police against citizens, including workers of the garment industry's surrounding factories in Bangalore as well as bystanders, during the spontaneous demonstrations which took place on April 18th and 19th, 2016.

This preliminary report about the April 2016 events and the resulting police brutality has been prepared in order for SHRC, State Government, and Police Complaint Authority to take cognizance of and initiate immediate action against the serious violations of human rights that took place and still continue. This report has been put together with names of workers not being mentioned, as the workers are scared of being targeted by their factory managements and the police. They have agreed to speak to the fact-finding team on the condition of anonymity.

This fact-finding team comprises members of *People's Union of Civil Liberties - Karnataka (PUCL-K)*, *Women Against Sexual Violence and State Repression-Karnataka (WSS)*, and other independent researchers.

The Demonstrations on 18th and 19th April: A Timeline

The key events of the demonstration are as follows:

- An announcement to change the Employees Provident Fund (EPF) was originally given on February 10th, 2016. Many workers feared that these changes would impact them negatively. Their chief concern was that they will not be able to withdraw the total amount of the EPF until the increased retirement age of 58 years. Resentment built up among the garment workers towards this ordinance passed by the Central Government as the workers depend on the EPF for paying their house rent, to pay their children's school fees, for health-related emergencies, and for other reasons where they fall short of finances. Such starvation of resources by both the factory managements and the State, along with oppressive working conditions of the garment workers in their factories, contributed to the angst which led to this mass walk-out from factories and eventually culminated in a series of spontaneous demonstrations in

- various parts of Bangalore on April 18th and 19th (Monday and Tuesday, respectively).
- On the 18th of April, demonstrations began at Maddur. This spread to Hosur Road and Mysore Road, areas with a large number of garment factories, where what appeared to be at least 50,000 workers-with some estimates saying as much as 1,00,000-staged a demonstration. In response to these protests, the Labour Ministry announced a three-month delay (till July 2016) on the implementation of the changes to the EPF.
 - The following day, on the 19th of April, demonstrations continued, again in the areas surrounding Hosur Road (mainly Bommanahalli and Hebbagodi), but also in the areas surrounding Peenya (Jalahalli) and Mysore Road (Ramanagara, Maddur, Srinrangapatna), which are also areas with a number of garment factories. From our investigation, we could confirm that at least 50,000 people took part, with estimates exceeding a lakh.
 - On both days and in both the areas of Hosur Road and Peenya, the police chose to respond to these protests with disproportionate and gratuitous amounts of violence and repression. The focus of this fact-finding report is to detail some of the varied instances of police brutality.

Police Brutality

Based on personal interviews with garment workers and others who were arrested by the police, this team has found that the level of brutality exhibited by the police throughout the protest as well as in the following weeks was due to a calculated effort by the police to create an atmosphere of fear and intimidation amongst the workers. This police action also began without following protocol as per the Karnataka Police Manual, which also involves giving prior warnings.

The garment workers that this fact-finding team spoke to are employed in factories around Bommanahalli and Peenya-Jalahalli. All workers maintained that when the demonstrations first began in Bommanahalli on 18th April, it was entirely peaceful in nature. This can be attributed to the small number of police men present at the site of the demonstration. At this time, when the police tried to disperse the crowd, the workers insisted that they would continue the demonstration peacefully.

A turn to violence

Around 1.30 PM, hordes of police men, armed with lathis and tear gas, descended on the workers. In spite of their repeated reassurances that they intended to protest peacefully till their demands are met, the police officers started raining blows on the women workers. All those interviewed have stated that no female police officers were present at this time, even though 90% of those protesting were women workers. All workers interviewed by this team, have consistently stated that seeing their female colleagues being violently beaten up by male policemen without any justification was a turning point in the protest.

Two Personal recounts

--'A', on seeing that his female colleagues were being brutally beaten up by male police officers armed with lathis, pleaded with the police officers to stop. Instead, he was beaten up himself and suffered severe injuries to his head and legs. Another worker, 'B', from the same factory, tried coming to the rescue of 'A' and along with other workers pleaded with the police to stop as 'A' needed immediate medical attention. The police responded by stating that it was alright even if he dies. 'A' was dragged and thrown into the police van, while 'B' and other workers were also beaten up and pushed in.

It is clear that the police came with a clear intent to use extraordinary force to dispel a primarily peaceful crowd, composed almost entirely of female workers. Brute force was used in every way possible to drive home the fact that workers cannot get away with holding a demonstration like this, however legitimate be the reason. Every worker that the fact-finding team spoke to consistently mentioned women workers were beaten up with lathis at the site of the demonstration by male police officers.

--'M' was in the middle of her shift on Tuesday when the management of the factory she was working at ordered all the workers to leave the premises because of the demonstrations happening at Jalahalli. As she was exiting her factory, a conversation ensued between her and her co-workers about the EPF related ordinance and how they would be affected if this ordinance wasn't revoked. Convinced that what was rightfully owed to her by the State was being grabbed, she, along with her co-workers, proceeded to join the demonstration. En route, she saw the crime branch police taking videos of workers exiting their factories. She encountered a police officer who accosted her with his lathi. She tried to stop him from beating her by blocking the lathi while he verbally abused her. He

eventually let go as a crowd formed around them. She proceeded to the demonstration and sat on *dharna* for a few hours, during which time there were no untoward incidents. After a while, she decided to head back home. However, she was stopped by the same male police officer who had accosted her earlier, and was dragged to the police van and taken to the Peenya Police Station.

Though she was arrested at 2 pm on the first day of the protest, she was produced by the Magistrate at 9 pm on the following day. The Magistrate did not acknowledge the fact that she wasn't produced within 24 hours of her detention. In addition, she, along with other arrested women workers were taken to an NGO called *Paraspara*, where they spent the night without the presence of any police officers. Guidelines³ on detention of women are clear in that a woman may be detained overnight only if necessary and if even so, at an institution operated by the State. This private detention seems peculiar and unprecedented.

Arbitrary arrests and detention were prevalent on both days of the demonstration

On the second day, the police came prepared with greater numbers for dispersing the crowd. The violence at the demonstration escalated on day-two due to the police action on day-one which involved brutality against women. Even though the police were now aware that the protest was primarily of women workers, the majority of the police officers present at the site of the demonstration were male. We were informed that an ambulance drove right through the protest, and when hurrying to clear way for it, the workers realized that it was completely empty, and thus being used as a ploy to disperse the protesters. The police indulged in arbitrary, violent lathi charging. A few of those interviewed stated that they were mere bystanders, at the wrong place at the wrong time, and yet victims of severe violence. Others were initially questioned under the guise of identification and verification, and then arrested. One worker informed us that since he gave an interview to the media about the police violence, he was beaten excessively by the police as punishment.

3 Section 46 of the Code of Criminal Procedure

Belated, arbitrary arrests

Over the coming days, many workers were arrested from their homes and factories. The basis of most of these arrests was the alleged video footage recorded by the police during the protests of workers. However, these allegations of video footage are riddled with inconsistencies. Some workers that the fact-finding team spoke to state that they were at work at the time the police allege to have their footage. They have stated that they can produce their computerized in- and out-timings from the factory to back their claim.

One interviewee states that a police vehicle spent an entire day patrolling her neighbourhood. Finally, they came to her home and asked to speak to her son. When her son, a college student, stated that he was out of station throughout the protests, they decided to arrest the mother. These police patrols seem to have further terrorized the neighbourhoods where the workers reside.

Rampant abuse during arrest

All workers interviewed spoke of physical and psychological torture upon arrest. Numerous instances of physical and verbal abuse took place at Madiwala Police Station. All interviewees said that they were stripped till their underwear and beaten. Physical abuse included being repeatedly beaten with lathis on their hands, legs and back, their fingers pulled backwards, etc. One interviewee told us that he witnessed a worker being hung upside down and beaten. We were told that all this brutality took place throughout the night. A common anecdote across those interviewed was that every time a new officer came on duty, he would ask if the workers had "eaten". When they said no, they were beaten. Having eaten a meal seems to have been a euphemism for torture in the police station!

Some of the injuries were still visible when the fact-finding team met the workers, which was almost four weeks after they were arrested. Many couldn't resume work even after four weeks as they were still in pain. One of the workers complained of severe joint pain which incapacitated him from operating machines back at work. Workers also mention that though all of them were severely injured due to the torture meted out to them, none of them were provided with any medical care.

Verbal abuse ranged from insults mocking them to insults directed at female members of their families. Female workers were verbally abused with sexual slurs and beaten by male officers with their bare hands.

Physical abuse used as an investigation technique

Workers were shown videos recorded by the police at the site of demonstration and told to name other workers from their factories. When they couldn't or wouldn't do so, they were further beaten up. This lawless and highly condemnable technique has further created a palpable aura of fear amongst the workers, and has been used as a tactic to crush their unity by forcing them to turn on each other.

Unlawful detention of female workers in a private shelter

Female workers that have been interviewed by this team state that upon arrest, they were not detained in a police lock up. Instead, they were taken to *Paraspara*, a private NGO with no affiliation to the law enforcement mechanism. Women workers were taken and left there the whole night, under the supervision of the NGO staff. This is a clear violation of the provisions of the Cr. PC that govern such detentions.

Perfunctory medical examination

After hours of violent beatings, arrested workers were taken for a medical examination that was used more as a means to patch them up before producing them before the Magistrate. All interviewees have stated that they did not receive adequate medical care. None of the injuries were mentioned in the medical reports. No MLC was registered.

Belated production, omnibus doctored FIRs

Many workers have stated that they were produced before the Magistrate more than 24 hours after they were picked up. Before being produced, they were threatened by the officers that if they dared to talk to the Magistrate about the abuse meted out to them, they would be beaten up again and that the officers would assure that they would not be able to get bail and would rot in jail for years on end.

A few interviewees also stated that the date of arrest mentioned in the FIRs was entirely wrong, and that they were unlawfully detained and tortured before they

were finally produced. FIRs have been registered naming multiple individuals. Workers who are let out on bail have even been rearrested on the basis of these farcical FIRs.

Workers were charged with grave offenses including Section 307 of the Indian Penal Code, which amounts to attempt to murder. This seems to have been done to avoid a quick grant of bail and as a means to pressurize and intimidate workers.

Difficulty in obtaining bail

All interviewees have faced enormous difficulty in obtaining bail. One month after the protests, some workers have still not been able to find surety to be bailed out. The bail surety has been as expensive as Rs. 5,000, which is difficult for the families of workers to procure.

This has caused great hardship to bystanders such as students, who were arrested arbitrarily and later denied bail, which forced them to miss their exams and thus lose an entire academic year.

The toll on the families of these workers has also been extreme. This fact-finding team was told that one man has since committed suicide for the fear of being arrested.

Response by the Police Officers

Additional Commissioner of Police (Law and Order-East) P. Harisekharan was interviewed by TV9⁴ – a Kannada news channel – regarding the garment workers’ demonstration in Hebbagodi, where a police station was set on fire. He said that about 500 police officers were deployed to bring the situation under control, wherein 20-25 police officers sustained injuries, including ACP Obalesh. Among the 15,000 demonstrators, about 25 of them were arrested. He said that the demonstrators could have sought the help of the police to negotiate with the State and various other agencies, instead of resorting to vandalism. He said, “If 10 people are creating trouble for lakhs of people, should the police work for the lakhs of people, or the 10 people? We will also support the 10 people if they abide by the law”.

4 *“Workers Protest against 'New PF Rules'; Adtl Commissioner of Police P Harishekaran Reacts”*.
Uploaded by Tv9 Kannada on April 19th, 2016 - https://www.youtube.com/watch?v=t5-Njm_GtTE

As part of the fact-finding, this team spoke to one police officer who was on duty at the site of demonstration in Peenya. The police officer said that the people were arrested as they were blocking NH-4, without any permission granted by any authority. They said that this was illegal as the highway is one of the busiest national highways. There were other locations identified by the government to conduct protests, which the workers could have utilized to express their grievances. They could have reached out to various authorities and organized a consultation on the issue, instead of coming out on to the streets. The police claimed that the police were not the first to use force, nor did the police beat any worker on the road but that the workers were the one who turned violent by pelting stones, beating police officers, burning government property (includes three KSRTC buses and a police jeep). One Inspector of Peenya Police Station, who spoke to the team, suffered injuries on the head and face. Violence was used only after this. He said that 91 people were arrested based on CCTV footage and videos captured on mobile phones of the passengers of the KSRTC buses and the passersby. Out of the 91 arrested, three were women and seven were bystanders. Section 307 of the Indian Penal Code (IPC) was resorted to because demonstrators started to attack passengers and the Inspector that was questioned maintains that none of them were innocent. He said that they have not re-arrested any one within Peenya limits. Since the investigation is under progress, he refused to make further comments. However, 10 FIRs have been registered with respect to the incident. Of the 91 arrested, 84 were workers and have been released on bail, while seven bystanders remain in judicial custody.

Some Conclusions of the Fact-finding Team

The fact-finding team, upon interviewing the arrested people in view of the garment workers' demonstration, the police and the representatives of the Garment and Textile Workers' Union (GATWU), Garment Labour Union (GLU) and Karnataka Garment Workers Union has reached the following conclusions regarding the demonstration:

- Not all those arrested in connection with the protests were workers. In fact, bystanders such as students, with no connection to the protest at all, were arrested. In addition, students who lived in the vicinity of Jalahalli were arrested merely because they studied and lived around the areas

where the protests took place. These indiscriminate arrests are condemnable.

- The violence suffered by protesters, majority of them being women, was at the hands of a predominantly male police force.
- Continuous re-arrests of those who have been able to make bail, have created an environment of fear, as well as loss of faith.
- All those who have been targeted are from working-class families, and the exorbitant costs of continuous legal fees and repeated surety has been a huge burden on families.
- While the garment industry employs a huge number of migrant workers, these workers have been completely isolated and marginalized after the protests. We were informed that the hostels provided to women migrant workers were locked up throughout the protests so that they could not join the demonstrations. Those who managed to do so have been asked to leave the city immediately.
- It should be noted that so far, the fact-finding team has not come across reports of police violence on the Mysore Road stretch. This happened because the police reportedly took extra care to avoid giving provocation to the demonstrating workers and tactfully handled the situation.
- The use of *Paraspara*, a private NGO, to detain workers is completely illegal and in violation of all procedures to safeguard the rights of female workers who were arrested⁵.
- It was seen that the criminal justice system was used as a method of oppression to quell the protest by the police.
- A palpable aura of fear still persists amongst the workers.

Demands:

The demands of the fact-finding team for various authorities are as follows:

1. The State Government

- a) Follow-up on Chief Minister Siddaramaiah's promise to release all those arrested in relation to the garment workers' demonstration on the April 18th and 19th, 2016
- b) No new arrests must be made
- c) All cases against those arrested must be withdrawn

⁵ Section 46 of the Code of Criminal Procedure

- d) Comprehensive investigation into police brutality must be ordered
- e) All police officers who were involved in flouting procedures of arrest, use of criminal violence and intimidation must be suspended

2. Karnataka State Human Rights Commission

- a) Obtain and provide information of all FIRs filed with regard to the arrests made during and after the demonstration
- b) Conduct an investigation into police using institutions outside of existing correctional facilities for the purposes of detention, including NGOs such as *Paraspara* Trusts.
- c) Obtain clear information about the activities of *Paraspara* in order to prevent such illegal detentions from happening again

3. Police Complaints Authority

- a) Stop police intimidation and take necessary steps to ensure a speedy end to police intimidation and end house entry and neighborhood intimidation.
- b) Take necessary steps to actively end the climate of fear that they have generated by sending circulars to all factory managements stating that they will not arrest, pursue further cases, or harass people in their factories or homes
 - a. Payment of compensation to all abused parties for physical injury, psychological trauma, missed days at work, and false cases
 - b. Circle Inspectors of respective police stations must ensure that possessions taken from those arrested are returned to them in proper condition, including compensation for any damage to or loss of said property (including gold ornaments, mobile phones, wallets, cash, etc.)