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## INTRODUCTION

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In April, 2016, lakhs of workers of the garment industry took to Bangalore streets to protest against a new Central Government Ordinance on the Employment Provident Fund. The protest was spontaneous, sudden, and unplanned, and took place over April 18<sup>th</sup> and 19<sup>th</sup>. Most of the participants and leaders were women workers. The protest was triggered by a newspaper article in *Vijaya Karnataka*<sup>1</sup> – a Kannada daily – that appeared on April 16<sup>th</sup>, 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 1<sup>st</sup>, 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 push the Central government to roll back the “ill-conceived amendments to the EPF Scheme”.<sup>2</sup>

While this protest has been lauded across the country as a victory for workers’ rights, especially for the distinctive role played by women workers, the state machinery has responded with repression and violence. Workers and passers-by were assaulted brutally during the protest, and many were subsequently arrested on trumped-up charges, including attempt to murder. This has been done 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.

This report is an inquiry into the garment workers' protest in Bangalore, the developments that led up to the tumultuous events of April 18-19 as well as its aftermath, the underlying issues that came to the fore, as well as the wider significance of a spontaneous protest demonstration by women workers that compelled the central government to concede their demands. The report specially focuses on 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 that took place on April 18th and 19th, 2016.

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<sup>1</sup> “Poorti PF Hana Beka” (We Demand the Full PF Amount), *Vijaya Karnataka*, April 16, 2016; T.A., Johnson. "How a newspaper article triggered EPF flash strike in Bengaluru". *The Indian Express*, April 29, 2016.

<sup>2</sup> "May Day: garment workers' issues dominate programmes". *The Hindu*, May 2, 2016.

This fact-finding report was prepared by a team comprising 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 team met a large number of workers in the areas of Bommanahalli, Hebbugodi, and Peenya to elicit their accounts of the two days and thereafter. The team had extensive conversations with 3 unions of garment workers, and elicited their opinions about the protest and the underlying issues. The team also met higher police officials who shared their opinions of the protest and their efforts to control it. These accounts appear in the annexures at the end. We have also annexed some sample FIRs filed by the police in several police stations.

This report does not disclose the names of workers, as they have expressed their fears 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, and all efforts have been made to preserve the same.

## CHAPTER 1: FOLLOWING THE FABRIC- A BACKGROUND TO THE GARMENT INDUSTRY

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### 1.1. INTRODUCTION

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Bangalore, owing to its cool and dry climate, was historically a center of garment manufacturing, going back to the times of Tipu Sultan. The first garment manufacturing unit was established in 1940 by Vittal Rao.<sup>3</sup> The garment industry is a labour-intensive industry, and relatively low labour costs and availability of a large workforce gave developing countries an advantage over developed countries in the textile and garment industry. In order to protect domestic industries in developed countries, the Multi-Fibre Arrangement (MFA) was established, and was in effect between 1974 and 1994, which restricted export of textiles from developing countries to developed countries. In this period, the garment industry in India operated primarily in the formal sector. Following the Uruguay round of multilateral trade negotiations, which lasted from 1986 to 1994, trade was governed by the World Trade Organization Agreement on Textile and Clothing, which phased in free trade measures over a ten year period between 1995 and 2004. Internationally, there was a shift in the center of manufacturing from developed nations to emerging economies. India, along with China, became major players in the international garments industry. In the 1980s, the garment industry started focusing on ready-made garments.

Coinciding with this was an increasing informalization of labour, and the subsequent employment of women as workers. Women formed the majority of the garment industry workforce, at the same time as enforcement of labour rights began to decline with the increasing demand of capital investment.

The IT boom started in the early 2000s, and in the mid-2000s, the labour market saturated. As migration of white-collar workers into Bangalore increased, there was a rise in real estate costs, as a result of which many industries moved out of Bangalore to neighboring areas spreading around Bangalore.

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<sup>3</sup> Rao,R Gopinath. *Diagnostic Study Report for Readymade Garments Cluster, Bangalore*, Small Industries Service Insitute,Rajajinagar, Bangalore. <http://www.ediindia.org/dsr/bangalore%20ds.pdf>, p. 5

This trend continued into the late 2000s, and factors such as the increasing cost of labour, rise in middle-class consumption, and rising real estate costs only contributed to the continuing movement of industries to neighboring areas spreading around Bangalore. Middle class consumption, fueled by the IT boom, increased, and many of Bangalore's large textile-mills relocated away from the city center and were replaced by shopping malls, restaurants, hospitals, and hotels. For example, some of Bangalore's older mills, such as Minerva Mills, Raja Mills, and Binny Mills, which employed over 8000 workers and had a politicized workforce dating back to the colonial period, were, by mid-2000s, shut down and dismantled.

Till 2000, the garment industry was reserved for the Small Scale Industries Sector, which automatically precluded foreign direct investment in the sector, as licensing procedures are much more stringent in this sector. However, in 2000, the Union government decided to dereserve the garment industry from the Small Scale Industries Sector, allowing for large manufacturers such as Arvind Mills, Gokuldas and Mafatlal to start entering the sector.<sup>4</sup>

As pointed out by Supriya Roy Chowdhury, the influx of women in the garment industry is part of the movement in Bangalore's economy and employment from registered manufacture and industry to unregulated work in the fields of domestic work, security, retail and, especially in garment and construction. In these two industries, the employment is informal in nature, marked by conditions of precarious employment, such as below minimum wages, insecurity of tenure, and lack of social security. The workforce is largely migrant (increasingly from rural Karnataka but also from outside the state), non-unionized, lacking the capacity for collective bargaining, and with little or no access to education and skills that could lead to economic and social mobility.

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## 1.2. GARMENT MANUFACTURERS AND THE SUPPLY CHAIN OF THE GARMENT INDUSTRY

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Garment factories act as suppliers in the global supply chain in the garment industry, employing primary producers, who are often workers in low-income countries. The primary producers get subsistence wage, and their wage share in the final product remains at 1-3% of the final MRP of the

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<sup>4</sup> Dr. Devaraja, T.S, *Indian Textile and Garment Industry- An Overview*, 2011.  
[http://www.sibresearch.org/uploads/2/7/9/9/2799227/working\\_paper\\_-\\_dr\\_devaraja.pdf](http://www.sibresearch.org/uploads/2/7/9/9/2799227/working_paper_-_dr_devaraja.pdf), p. 12

garment. As suppliers, garment factories compete among themselves to participate in subcontracting arrangements with end-market brands and retailers, such as Swedish clothing manufacturer H&M and US-based manufacturer GAP, who retain 50% of the profits.<sup>5</sup>

The global garment manufacturing industry operates on huge profit margins, but also fierce competition. In order to maintain profit margins, retailers put immense pressure on manufacturers to cut costs, who, in turn, create unreasonable production targets and reduce employment benefits. The burden of maintaining the unreasonably high profit margins of the global garment industry falls on the garment worker, who works long hours for poor wages, all for a 1% share in the MRP of the garment she stitched.

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### 1.3. FEMINIZATION OF LABOUR IN THE GARMENT INDUSTRY

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The garment industry is the second largest employer of women workers in India. Nearly 1.2 crore women workers constitute 80% of the total workforce in this sector.<sup>6</sup> On a global scale some 60 million<sup>7</sup> to 75 million<sup>8</sup> people were employed in the textile and clothing sector worldwide in 2014. About three quarters of garment workers worldwide are female.<sup>9</sup> This is an example of feminization of labour, which has severe implications in terms of informalisation of working conditions, and the scope of collective bargaining.

According to the International Institute of Environment and Development (IIED), the term “feminization of labour” may be used in two ways. First, it refers to the substantial increase in the proportion of women in paid work, as more and more women enter the workforce. However, the term can also refer to the increasingly precarious conditions of women workers in industry. According to IIED, “the flexibilisation of labour for women and men, a fallout of the changing nature of employment where irregular conditions once thought to be the hallmark of women’s

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<sup>5</sup> Mather, Celia. *Garment Industry Supply Chains: A Resource for Worker Education and Solidarity Women Working Worldwide*, Women Working Worldwide, 2004, available at [http://www.women-ww.org/documents/www\\_education\\_pack.pdf](http://www.women-ww.org/documents/www_education_pack.pdf)

<sup>6</sup> Kably, Lubna. "Helping women garment-factory workers stand up for their rights". *The Times of India*, Feb 5, 2015, available at <http://timesofindia.indiatimes.com/india/Helping-women-garment-factory-workers-stand-up-for-their-rights/articleshow/46136079.cms>

<sup>7</sup> *Global Garment and Textile Industries- Workers Rights and Working Conditions*, Solidarity Centre, 2015, available at <http://www.solidaritycenter.org/wp-content/uploads/2015/11/Global.Garment-Workers-Fact-Sheet.11.15.pdf>

<sup>8</sup> Stotz, Lina and Kane, Gillian. *Facts on the Global Garment Industry*, Clean Clothes Campaign, February 2015, available at <http://www.cleanclothes.org/resources/publications/factsheets/general-factsheet-garment-industry-february-2015.pdf>

<sup>9</sup> *Ibid*

‘secondary’ employment, have become widespread for both sexes.”<sup>10</sup>

Thus, the term “feminization of labour” refers to the fact that an increasing number of women are working in precariously irregular conditions. This exploitation of feminine labour is also steeped in gendered assumptions about women’s role in the economy. Women are often seen as supplementary earners, who are only working in addition to their principal function as caregivers in their households, and not as the primary breadwinners in their household. Moreover, women workers are underpaid in certain kinds of work, such as domestic work, because it is seen as an extension of a woman’s care-giving duties, or due to the assumption that women are inherently good for certain forms of labour, such as women being “naturally more docile and willing to accept tough work discipline, and naturally more suited to tedious, repetitious, monotonous work”<sup>11</sup> and therefore more suited for the garment industry. These are some examples of the implications of increasing feminization of labour.<sup>12</sup>

Women are often seen as a more malleable workforce. Many women who work do so to support their family financially. The vulnerability of women in the informal sector makes it difficult for workers to negotiate better work conditions for themselves. Moreover, a largely male management may be unwilling to listen to women negotiating the terms of their employment. Management in garment industry takes advantage of the relative vulnerability of women workers in order to harass and exploit them financially as well as in other ways, and generally, fashion a more disciplined and hence cheaper workforce of women.

### 1.3.1. THE DOUBLE-DAY BURDEN

Most women garment workers perform the “second shift”, i.e., in addition to their strenuous job as garment workers, they are also the primary caregivers at home. This involves cooking and cleaning, as well as taking care of the elderly and children at home. A typical day often starts at 4 in the morning to take care of household responsibilities.

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<sup>10</sup> Kanji, Nazneen and Menon, Kalyani. *What does the Feminisation of Labour Mean for Sustainable Livelihoods?*, World Summit on Sustainable Development, International Institute for Environment and Development, 2001. Available at <http://pubs.iied.org/pdfs/11006IIED.pdf>

<sup>11</sup> Young, Kate, Carol Wolkowitz, and Roslyn McCullagh. *Of Marriage and the Market: Women's Subordination Internationally and Its Lessons*. London: Routledge & Kegan Paul, 1984.

<sup>12</sup> *Supra* note 10



Garment industry work is not perceived as work that elevates the social status of workers. Moreover, while families do not cause any grief about the fact that women work, there is backlash when a woman's work life conflicts with her family responsibilities.

***A day in the life of a garment worker***

Women usually leave for work by about 7:30, sometimes using multiple modes of transport, especially in rural areas. They reach work by 9 AM. Gate checking finishes at 9:30. If late, they have to wait for an hour at security, which may affect their work targets. To make up the time, they often skip lunch to make up the missing hour. Work ends at 5:30 PM, and after finishing getting groceries, they reach home by 8-9 PM. By the time their evening household responsibilities are completed, it is usually 11-12 pm at night, at which time they sleep.

## CHAPTER 2: THREAD AND TENSION- WORKING CONDITIONS OF GARMENT WORKERS IN BANGALORE

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As noted above, the garment industry comprises of a largely feminized workforce. Moreover, while the prices of many commodities have increased in recent years, the price of garments has fallen and continues to fall.<sup>13</sup> This is possible only because the prices that brands pay to manufacturers have decreased, reducing the manufacturer's margin of profit, thereby leading to greater depression of workers' wages.<sup>14</sup> Manufacturers maintain profit margins through the practice of 'wage theft', by setting absurdly high production targets, forced overtime, and discouraging leaves. Moreover, as mentioned in the previous section, garment industry workers are predominantly women, and are often come from extremely economically vulnerable backgrounds. The industry often preys on that vulnerability, as working conditions of workers are extremely poor, and they are routinely subjected to physical, sexual, and economic exploitation.

Unions working with garment industry workers in Bangalore have long documented instances of abuse and harassment in the industry. In 2015, *Garments Mahila Karmikara Munnade*, an organization that aims to address the social concerns of women in the garment industry, initiated consultation with other social and human rights organizations for a study to assess the depth of the harassment and abuse of women in garment factories in Bangalore and other centers in Karnataka, and to make recommendations to reduce the same. A team of activists, lawyers, academicians, and students conducted focussed group and individual interviews of workers, and analysed incidents of harassment. The report *Production of Torture* is a compilation of individual testimonies, as well as an analysis of the working conditions that contribute to the harassment of women workers in the garment industry.<sup>15</sup>

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<sup>13</sup> Bhattacharjee, A., Roy A., Bharadwaj K., and Ghosh S., *Towards an Asia Floor Wage*, South-South Dispatch, November 2015, available at <https://www.cleanclothes.org/livingwage/afw/resources/essays-and-reports/towards-an-asia-floor-wage>, p. 14

<sup>14</sup> *Ibid*

<sup>15</sup> The report was produced by *Peoples Union for Civil Liberties- (PUCL) Karnataka, NLSIU-Bangalore, Vimochana, Alternative Law Forum (ALF), Concern-IISC, Manthan Law and Garments Mahila Karmikara Munnade*

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## 2.1. WORKER PROFILE

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Most women garment workers in Bangalore are between 18 and 45 years of age, and have been married by the age of 18. Many workers have had to discontinue their education because of financial and various other pressures. Most married workers are also mothers, usually to one or two children, aged between 4 and 13 years.

Many women garment workers join the factory to work soon after they get married in order to help their homes financially. Sometimes, their families are in debt because of unexpected health expenses, festivals, school expenses, etc. Their husbands, often, would have lesser incomes, or irregular incomes.

The following section details some of the findings of the above-mentioned report regarding the issues that garment workers face in Bangalore

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## 2.2. ECONOMIC EXPLOITATION

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Workers are often made to work overtime or on holidays, without any pay. Many workers spoke of salaries getting credited only in the middle of each month.

The most stressful part of work are production targets, which are seen as arbitrary. They often cause the worker to work unpaid overtime. Production targets have their own logic, being often unattainable and expanding. Targets are pegged to wages through the piece per hour and wage per hour. This allows for two levels of manipulation. One, the number of pieces per hour can be increased to maximize returns, though the number of hours remains the same. Second, targets are set through a time study, with the machine acting as the pace setter. The machine-time effectively determines the pace of the workers. Targets are changed arbitrarily. Orders come from above, and are not explained. The intensity of the work can be very high, and sometimes the workers collapse due to sheer exhaustion. On the work floor, the targets end up having a coercive dimension. When a worker falls behind, she is often threatened with dismissal.

Leave sanction often requires begging and even then is met with rejection or threats of wage cuts. If there is an emergency, they are expected to write out a letter of apology. Threats of dismissal and physical punishment are common.

Salary increments are given in an arbitrary fashion. Bonuses are denied without explanation, payment is frequently delayed by 5-10 days. Workers often are given the day off without pay. They are threatened with dismissal and if the worker leaves on a bitter note, they face difficulty getting another garment job.

The stress causes many workers to quit, which makes the environment even more coercive. When a worker quits, often she is not replaced, and her work load is redistributed among the rest of the workers, in turn increasing the intensity of the work for all.

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### **2.3. HARASSMENT**

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Management in garment factories is usually male, and workers are regularly subjected to physical, verbal, and sexual harassment. This includes verbal abuse or comments of a sexualized nature, inappropriate physical contact, or even proposing quid pro quo arrangements. If a worker protests, or refuses to give in, she may be threatened with dismissal. Many workers have been hounded out of employment because of sexual harassment.

Physical harassment of the women garment workers is often accompanied by physical assaults, including throwing the garment at the worker's face, hitting the woman worker on her back, dragging her out from her workstation, and physically compelling her to stand away from it.

Workers are often taunted and punished in a number of ways, aimed at humiliating and degrading them. These include, but are not limited to, name calling, hinting that they did sex work, casting aspersions on their character, humiliation ranging from private scolding in the manager's cabin to public scolding over the PA.

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### **2.4. POOR AMENITIES AND WORKING CONDITIONS**

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Garment factories often lack proper amenities such as drinking water or functional toilets. Crèche facilities are often absent or poorly maintained, and there have been incidents of deaths of infant children in the crèches. Poor commuting facilities and medical facilities contribute to the poor health of the workers. Women usually have to stand for long hours, and bathroom breaks are severely

rationed, leading to various health complications. Lunch hours are often cut down to fifteen minutes or less, making it difficult for women to even eat properly. Moreover, sub-standard safety equipment contributes to poor and unsafe working conditions.

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## 2.5. SURVEILLANCE, SOCIAL SEGREGATION, AND DISCOURAGING COLLECTIVISATION

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Any kind of socializing among workers is discouraged. Absurdly high production targets make it difficult for women to speak to each other while working. Women talking in groups is actively discouraged, as it is often perceived as a sign of brewing trouble. Moreover, the design of the buildings separates workers from the management staff, apart from their immediate supervisors. As a result, there is no association between the management and workers. The very architecture of the buildings is designed to isolate workers in order to make them a subservient work-force.

Workers are blamed for each other's work, leading to a hostile environment between workers, and those who are seen trying to join unions are targeted. This makes unionization, and consequently collective bargaining, extremely difficult.

When workers protest, there are always repercussions. They report that they are often targeted and are given “punishment work”, coupled with various kinds of humiliation and harassment. As their livelihoods lie in the balance, there is no scope for ongoing protests, and as unionization is difficult, there are no support systems to rely on. Sometimes, workers close to the protesting worker would be targeted creating a hostile environment for the protesting worker, ensuring that no one “speaks up” or “back answers”.

To prevent the workforce from coming together, management ensures that a culture of worker favoritism prevails in the factory. Acts of favoritism can be quite capricious and arbitrary, and keep workers in a constant feeling of indebtedness to the management for any sense of relief. This creates a hostile environment where workers either compete against fellow workers for the favors of the management, or, disgusted, decide to leave. On top of the nominal supervision, there is a system of continuous surveillance of the workers. When they are not present at the work stations, workers are consistently questioned about their whereabouts. Even toilet and canteen visits are monitored by security.

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## 2.6. MINIMUM WAGES V/S LIVING WAGES

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Under the Minimum Wages Act, the minimum wage prescribed in the Garment Industry (referred to in official parlance as Tailoring Industry) is only slightly higher than subsistence wages. Moreover, it has been a longstanding criticism of the minimum wages standard in India that instead of being a wage floor, below which wages cannot reduce, it instead acts as a wage ceiling, above which wages do not rise. The Fair Wages Committee of 1946 defined three forms of wages, namely, minimum, fair, and living wages, with minimum wages being the lowest level of wages, and living wages the highest. According to the Committee, living wages represent the highest level of the wage which should enable the worker to provide for himself and his family not merely the basic essentials of food, clothing, and shelter but a measure of frugal comfort, including education for children, protection against ill health, requirements of essential social needs, and a measure of insurance against more serious misfortunes, including old age.<sup>16</sup> The living wage estimate for the garment industry in Karnataka currently should be pegged at Rs. 18,000, and according to the survey by Mohan Mani<sup>17</sup>, an independent legal researcher, the current living wage estimate for garment workers in Karnataka is around Rs. 20,000-22,000.

However, minimum wages fixed by the Act continues as a standard, with no movement towards adoption of a living wage standard. Moreover, the minimum wages standard does not take into account inflation, and the de-linking of minimum wages from dearness allowance means that real wages decrease over time, as the minimum wage is not revised as per the Consumer Price Index.

In 2015, GATWU conducted a survey among 126 women workers working in 10 factories in Bangalore. According to the testimony of Mohan Mani<sup>18</sup>, who is a labour researcher working with GATWU, a garment worker's family spends Rs. 834 per head on food expenditure alone, which puts them squarely below the poverty line. Moreover, at a higher wage level (6% or more), family expenditure increases only by 2%, but healthcare increases by 38% and education goes up by 15%. This shows that garment workers at their present level of income are spending less than they need on health and education, and hence they are at a 'crisis level' of existence. Even a minor increase in wages is directed towards essentials such as health and education. Moreover, while ESI facilities exist,

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<sup>16</sup> *Report On the Working Of the Minimum Wages Act, 1948*, Labour Bureau Government of India, 2005.  
<http://labourbureau.nic.in/Mini%20Wages%20k5%20Intro.htm>

<sup>17</sup> *Annexure A*, p.

<sup>18</sup> *Ibid*

availing of them can be quite cumbersome, and they may not even provide adequate coverage. For example, coverage for parents under ESI is available only to unmarried women, and not to married women under and often ESI does not cover workers' parents.

## CHAPTER 3: THE GARMENT WORKERS' STRIKE OF APRIL 18<sup>TH</sup> AND 19<sup>TH</sup>

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On April 18<sup>th</sup> and 19<sup>th</sup>, 2016, thousands of garment workers from different garment factories in Bangalore protested on the streets. It is evident from our interviews with garment workers that the immediate catalyst for the protest was the EPF notification which threatened to deny workers' access to their own savings. However, the fact that most of the protesters were garment workers, and not workers from other industries, should inform us that there are conditions of work peculiar to the garment industry that made workers so vulnerable to changes in EPF regulations.

Unlike workers in other sectors, who have higher wages and more benefits (housing loans, vehicle allowance), the only source of savings and replenishment of wages for garment workers is their PF. Especially in times of family crises, or when workers have to take time off from work, the PF can be the only source of maintenance for workers.

The absence of a living wage standard also contributes to the acute dependence of workers on their PF, especially because the employee's contribution is from an already low wage. The minimum wages standard does not account for the possibility of savings, and thus the proposed new PF regulations would have effectively cut off workers' access to a fund comprised of contributions from the subsistence-level wage.

Moreover, as stated previously, the misconception that women's income is merely supplementary to that of male members in the family undermines women's contribution to their family's economy. In the 2015 GATWU survey, it was found that the husbands of 85% of women garment workers worked in the unorganized sector, and thus had a very irregular income and no social security benefits. The PF and ESI available to a garment worker acts as a social security blanket for her entire family, and is crucial to her sustenance, especially in light of the subsistence-level minimum wages paid to her.

Therefore, the events of the 18<sup>th</sup> and 19<sup>th</sup> of April have to be understood in light of the prevailing conditions of work in the garment industry, and not only as a reaction to the EPF notification.



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### 3.1. PRELUDE TO THE GARMENT WORKER'S DEMONSTRATION

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On February 10<sup>th</sup> 2016, the Ministry of Labour and Employment issued a notification<sup>19</sup> for changes to the EPF scheme. A summary of those changes is as follows:

- The retirement age would be raised from 55 years to 58 years, and the age to access 90% of the fund was raised from 54 years to 57 years.
- After 2 months of being unemployed, employees would no longer be able to withdraw the total amount of the EPF fund. Instead, they would only be able to withdraw the portion of the EPF that was contributed from their salary during their period of employment as well as the interest gained on that portion. This meant that workers were blocked from accessing their employer's contribution, i.e., 23.4% of their EPF corpus as per the above table
- The above amount could also be withdrawn in the case of female members who resign due to marriage, pregnancy, or childbirth. However, in order to do so, they must sign an affidavit that they will not take up future employment.

According to the testimony of Jayaram, from GATWU, initially most workers did not know about the notification. It had been published in the gazette, and hardly anyone had seen it. It was only when workers who had left their jobs had gone to the local PF office that they were informed that from now onwards they would only get their contribution, and not the employer's. Word rapidly spread among the workers of these changes. Managements in many garment factories had also informed the workers about it.

Workers started approaching their unions, including GATWU, who in turn approached NTUI at the national level. It became clear that no central unions were consulted in the formulation of the new regulations.

GATWU had begun a signature campaign, aiming to collect one lakh signatures against the notifications. They had also printed about 50,000 pamphlets and were in the process of planning the protest, when in one of the meetings, all the participants were restless and answering phone calls incessantly. They had to then call off the meeting.

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<sup>19</sup> Issued in Gazette number G.S.R.158 (E)

The demonstration on the two days in April 2016 is said to be spontaneous and unpredicted. However, the unrest and frustration around the issue of EPF was brewing for at least a couple of months before these two days in April, and it is notable that neither the State government nor the public could predict that thousands of workers would take to the streets demanding that the Central Government revoke the EPF notification.

Many in the media had also spoken about the amendments. Workers were getting increasingly agitated as word spread from factory to factory. The garment workers' unions were trying to keep the calm among the workers. Members of the Garment and Textile Workers' Union (GATWU), the Garment Labour Union (GLU), and the Karnataka Garment Workers' Union (KGWU) told this fact-finding team that they were severally planning for a large protest against the EPF ordinance.

However, before any planned protest could take place, on April 16<sup>th</sup>, a newspaper report was published in *Vijaya Karnataka*, which stated that workers should withdraw their PF money before April 31<sup>st</sup>, after which their money would be blocked until they turned 58 years old. This caused unrest among the workers, and on April 18<sup>th</sup>, the workers took to the streets.

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### 3.2. THE GARMENT WORKERS' STRIKE OF 18<sup>TH</sup> AND 19<sup>TH</sup> OF APRIL, 2016

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By most accounts, the protests started at Shahi Exports and spread from one unit of Shahi Exports to another, and to other manufacturers' units as well. Around 4,500 workers walked out of the Shahi Exports unit in Maddur at around 9.30 am on April 18. Word spread from unit to unit, and workers of Unit 14, Shahi Exports at Bommanahalli were the first to walk out. This prompted the workers to walk out of the factory, and ask other factory workers, in factories of *K. Mohan*, *Jockey Exports*, and other small factories in and around Bommanahalli to come out in support of the cause. Around 15,000-20,000 workers congregated in Bommanahalli alone. Word soon spread to Peenya-Jalahalli. Many of the workers we interviewed spoke about how the management at their factories told them to leave early because of the protests, and as they stepped outside the factories, they saw workers from other factories marching on the streets, and they joined them.

While workers came out in anger, the unions, upon learning of the huge walk outs, spoke to their workers and asked them to demonstrate in peace. They came to the areas of protest and helped in

maintaining peace. Although the demonstration saw the presence of union leaders, it was primarily led by the workers themselves.

At the demonstration, workers sat on the highways as a protest. They raised slogans, and they talked to each other about the PF notification.

However, even though the protests were largely peaceful, the police was brutal in its crackdown against the protestors. The police were taken by surprise when thousands of women workers got on to the streets. Initially, the Additional Commissioner of Police (Law and Order-East), P. Harishekharan tried to quell the protest and spoke to the workers, asking for a representation to be forwarded to the State Government. However, when no worker came forward as a leader, and no one had a representation, it became clear to the police that it would not be possible for them to negotiate with a leader to call off the protest.

In order to control the crowd, the police called for more personnel. At around 1.30 pm, the police began to lathi-charge the protestors sitting on the roads. On seeing that the women workers were being ruthlessly beaten by male police officers, the men workers started pelting stones at the police, who then intensified the lathi-charge against workers and bystanders alike. Thereafter, arrests were made arbitrarily. Workers, students, and even residents around the area of protests were arrested, saying there was videographic evidence of their involvement in the “riot”, which in fact was instigated by the police who began the lathi-charge on peaceful protestors. The arrested were beaten in custody, and forced to give the police names of other workers who took part in the protest along with them. The arrested persons struggled to gather money for surety, and finally got out on bail. Many workers who had migrated to Bangalore to take up employment went back to their native places for the fear of harassment from both the management and the police.

Weeks after the protest, harassment and arbitrary arrests continued in factories and houses of workers. Those arrested found lawyers many of whom exploited their needs, and charged them huge amounts of money for bail and as their fees. Workers who were beaten ruthlessly at the protest and in police custody have found it difficult to return to normalcy at work, as they find it physically painful to operate machines.

## CHAPTER 4: POLICE ACTION AND VIOLENCE DURING THE PROTEST

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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 both throughout the protest, and in the following weeks, was a concerted effort by the police to create an atmosphere of fear 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 were employed in factories around Bommanahalli and Peenya-Jalahalli. All workers insisted that when the demonstrations first began in Bommanahalli on 18<sup>th</sup> 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, while when the police tried to disperse the crowd, the workers insisted that they would continue the demonstration peacefully.

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### 4.1. A TURN TO VIOLENCE

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Around 1.30 PM, after P. Harishekharan spoke to the protesting workers and tried to get them to disperse, hordes of police men, armed with lathis and tear gas, descended on the workers. In spite of repeated reassurances from the workers 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, consistently state that seeing their female colleagues violently beaten up by male policemen without justification was a turning point in the protest.

‘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.

‘PQR’ 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 tried to hit 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 Trust*, where they spent the night without the presence of any police officers. Guidelines 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.

On April 19<sup>th</sup>, 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 with sirens blaring drove right through the protest, and when hurrying to clear way for it, the workers realized that it was completely empty, and was 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.

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## 4.2. ARBITRARY ARRESTS, DETENTION, AND TORTURE

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Both on the days of the protest as well as after, workers were subjected to violence and harassment from the police, in the form of arbitrary arrests, physical abuse prior to arrest, illegal detention, and prolonged and inhuman torture in police custody. The harassment continued when the workers found it next to impossible to be granted bail, and were arrested many days after the protest on the basis of doctored omnibus FIRs.

### 4.2.1. BELATED, ARBITRARY ARRESTS

Over the coming days, many workers were arrested from their homes and factories. The basis of most of these arrests was 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 patrols seem to have further terrorized the neighbourhoods where the workers reside.

### 4.2.2. 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 this 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.

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.

#### *4.2.4. 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 highly objectionable 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.

#### *4.2.5. ILLEGAL 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 a shelter run by *Paraspara Trust*, a private NGO with no affiliation to the law enforcement mechanism. Neither *Paraspara Trust* nor any other NGO is authorized to act as an alternative to a police lock-up. Private shelters serve the purpose of providing protection to women who are in need of care and protection, and who have come to the shelter of their volition and with consent. However, in this case, *Paraspara Trust* allowed its shelter to be used as a lock-up, deviating from their mandate as a protective institution. Effectively, the women were illegally detained, so that *Paraspara Trust* could make them available to the police the next day for the filing of FIRs, and for subsequent production before the Magistrate.

#### *4.2.6. 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 production. 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.

#### *4.2.7. BELATED PRODUCTION, DOCTORED OMNIBUS 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 beatings by the police, they would be beaten up again and the officers would ensure that they would not be able to get bail and would rot in jail for years on end. Moreover, the workers were produced before the magistrate by the same officers who beat them up, and they were scared to speak against the officers before the magistrate.

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 for more than 24 hours before they were finally produced. A bail order passed by the V Additional Chief Metropolitan Magistrate in the case of Manish (name changed) clearly states that the accused was produced more than 24 hours after arrest, and on basis of that information the Magistrate issued a show-cause notice to the sub-inspector/investigating officer concerned for violation of Section 167 of the Code of Criminal Procedure, 1973. Omnibus FIRs, i.e., FIRs framing large groups of people without naming names, have been lodged. Because no names are disclosed in these FIRs, workers who are let out on bail have even been rearrested on 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 quick grant of bail and as a means to pressurize and intimidate workers.

#### *4.2.8. DIFFICULTY IN MAKING BAIL*

All interviewees have faced enormous difficulty in obtaining bail. The bail surety has been as high 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.

Ratan, a student who also worked as an apprentice in a garment factory, was asked to leave the office on April 19<sup>th</sup> at around 12.15 pm on Tuesday, on account of the protests. He headed to his room, which is near Dasarahalli on the Tumkur Highway, where he was living with five other boys. Around 3.30-4 pm, the police came to the room where Ratan was living and took all of his roommates, including him, to the police station for “verification”. About 25-30 boys from four rooms on the same floor as Ratan’s were taken by the police in a vehicle to Peenya police station.

Ratan said he was not participating in the protest and that when he was walking from his office to his room, he passed by the area of protest. He said that the police broke open his door to take the boys to the police station. In the police station, everyone was beaten up by police officers ruthlessly. They were produced before a Magistrate on April 20<sup>th</sup> (Wednesday) at 6 pm, while the FIR was registered to be for April 19<sup>th</sup> (Tuesday), 12.30 pm. (An FIR was registered even before they were arrested, and they were produced before a Magistrate post 24-hours.) The Magistrate did not ask anyone if they were beaten in custody, and, in fact, was indifferent to all those arrested. The Judge said to them when someone began to narrate what happened to them in custody that they are talking too much when they are in Court, and that one might wonder how they were during the protest. Ratan said that there was a separate room for all those arrested during the protest, where about 60 to 80 of them were put in one single room.

Ratan claims that he had punched in to his company system for attendance, before he was asked to go home, therefore establishing that he was not present at the protest or caused vandalism, in spite of which, he was arrested and tortured in custody.

Ratan’s mother pleaded before the Court to grant him an interim bail for an exam he had to appear for on April 25<sup>th</sup>, but the Judge denied him bail because he was charged with Section 307 of IPC. Ratan finally got out on bail on April 30<sup>th</sup>, whereas the rest of them arrested with him were released between April 29<sup>th</sup> to June 1<sup>st</sup>.

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. His brother was arrested by the police, and he was afraid that he may be targeted as well.

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### 4.3. RESPONSE BY THE POLICE OFFICERS

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Additional Commissioner of Police (Law and Order - East) P. Harishekharan was interviewed by TV9<sup>20</sup> – 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”.

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. The police further said that workers 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, and 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. The police claim that violence was used on the protestors only after the protestors themselves attacked. The injured inspector further stated that 91 people were arrested based on CCTV footage and videos captured on mobile phones of passers-by and passengers of the KSRTC buses. Out of the 91 arrested, three were women and seven were bystanders.

According to the police, Section 307 of the Indian Penal Code (IPC) was invoked only because demonstrators started to attack passengers of buses, and the Inspector that was questioned maintains that none of the accused are innocent. He said that they have not re-arrested within

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<sup>20</sup> “Workers Protest against 'New PF Rules'; Addl Commissioner of Police P Harishekaran Reacts”.  
 Uploaded by Tv9 Kannada on April 19<sup>th</sup>, 2016 - [https://www.youtube.com/watch?v=t5-NJm\\_GtTE](https://www.youtube.com/watch?v=t5-NJm_GtTE)

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.

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#### 4.4. FAILURE OF THE POLICE TO FOLLOW DUE PROCEDURE

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It is clear from the above narratives that, apart from stray incidents, the protests on April 18<sup>th</sup> and 19<sup>th</sup> were largely peaceful, and were led mostly by women garment workers. However, the police responded with brutal violence, and force that was completely uncalled for, and entirely in violation of existing procedures to deal with such situations.

The Union Ministry of Home Affairs, in 2011, introduced Standard Operating Protocols (SOPs) to be followed by the police during riots and public disturbances. Titled “*Standard Operating Procedures to Deal with Public Agitations with Non-Lethal Measures, Bureau of Police Research and Development, Ministry of Home Affairs, Government of India*”<sup>21</sup>, the SOP lays down a step-by-step explanation of the degree and type of police response that the police are allowed to use in cases of public agitations. However, it is clear from our interviews that Bangalore City Police paid no attention to these SOPs, and they were let loose with complete abandon on the protestors. Below are some of the observed violations that occurred during the protest:

The police responded to a peaceful demonstration of women workers with a violent lathi-charge. Through their unnecessarily violent action, they pushed some demonstrators to retaliate – by pelting stones. However, the police action on April 18<sup>th</sup> and 19<sup>th</sup> has flouted the SOP on numerous fronts.

##### 4.4.1. PROTESTS LARGELY CONSISTING OF WOMEN AND CHILDREN

The SOP has laid down a strict procedure to be followed by the police when a crowd predominantly consists of women. It directs that protests comprising of women and children should primarily be dealt with by women police constables, and that the police must primarily attempt to persuade the crowd to disperse. Only if all attempts to peacefully disperse the crowd of women may the police resort to the minimum of force.

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<sup>21</sup> Relevant Sections have been included in Annexure- B

#### *4.4.2. EFFORT SHOULD BE MADE TO DISPERSE THE ASSEMBLY WITHOUT USING FORCE*

Under the head of tactics, the SOP clearly states that efforts must be made to disperse without using force, through persuasion, negotiation, mediations, etc. In the specific circumstance of stone pelting, the police must first make an announcement to the crowd as an attempt to stop any violence as well as hoist riot banners. In the event that this effort fails, only then the crowd may be arrested using minimal force. If this doesn't work, the police may then caution the crowd that force will be used against them. If this is not heeded, only then force may be used. None of these cautionary attempts were made by the police on April 18<sup>th</sup> and 19<sup>th</sup>, and the police used force on the protestors without giving them any prior warning.

#### *4.4.3. USE OF FORCE*

Force should be used by the police only when necessary. It must be at the minimum, and must be proportional to the situation. If all other attempts to dissuade the crowd have failed, then the force is to be used by first using non-lethal means followed by harsher ways, if required, till the situation is brought under control. Minimum force is required to disperse the crowd, by use of lathi-charge, water cannon etc. It is clear from the numerous media reportage as well as personal interviews conducted that the police made no attempt at negotiation. Instead, they used an excessive amount of force, entirely disproportionate to the situation.

It should also be noted that the policemen must be adequately outfitted with anti-riot gear to prevent disproportionate injury (sustained by the constabulary). This could have prevented the high rate of injury amongst the police as well.

#### *4.4.4. RESORTING TO FIRE ARMS*

The SOP states that use of lethal means must be the last option, only when all other methods fail. Before this decision is taken, the crowd must be warned as far as practicable. Attempts should be made to fire below the waist if resorting to firing is necessary. In the case of a situation in Hebbagodi, where miscreants set fire to the police station, it was reported in the Kannada media that a girl-student, who was passing by the area, was shot by the police, who was allegedly firing gunshots in the air. The girl is reported to have undergone a surgery and is subsequently out of danger.

#### *4.4.5. MEDICAL TREATMENT*

In the eventuality that firing has been resorted to, once all violence has been quelled, the police must immediately rush all injured to the hospital. It seems that the converse has taken place. Numerous testimonies collected have stated that after causing grievous injuries, the police failed to provide medical treatment for those injured.

#### *4.4.6. DIFFERENTIATION BETWEEN FIRST TIME LAW BREAKERS AND HARDCORE CRIMINALS*

While the SOP clearly differentiates between the first time arrested and hardcore criminals, the police have indiscriminately beaten and arrested workers, bystanders, and stone-pelters. In fact, bystanders who were not even part of the protest seem to have been arrested and detained along with regular offenders, as well as tortured in custody.

#### *4.4.7. RESTORING PUBLIC CONFIDENCE*

The SOP has laid down conciliatory procedures for the police to follow and better understand the reason for the violence that took place and instill local confidence. It requires that the police make attempts to speak to local leaders to understand the reasons behind the demonstrations and try to take constructive steps towards the same. If implemented, this could have counteracted the aura of fear that has permeated the workers and the general public. Instead, the police have chosen to stand outside the factories and force the workers to return to employment, without addressing any underlying issue.

The actions of the police fall drastically short of the required operating procedure. They have instead aggravated the situation, rather than preventing the outbreak of violence.

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### **4.5. ANALYSIS OF THE FIRS**

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If the events of April 18<sup>th</sup> and 19<sup>th</sup> were unprecedented in terms of the sheer numbers of protestors, the reaction of the police was unfortunately predictably violent and reprehensive. Police suppression of the protests began with violence, continued with arbitrary arrests, violence in police custody and arbitrary FIRs. The FIRs are riddled with logical inconsistencies, e.g., the accused in many FIRs produced clear evidence to the police that they were working at the time of alleged

commission of the offence, despite which the FIR was filed. Moreover, omnibus FIRs have been filed, which allow the police to pick up anyone at any later point of time without directly naming them in original FIR. No complaints against police excesses have been admitted, and in fact, most of the FIRs grossly exaggerate and blatantly misrepresent incidents, so as to allow for trumped up charges against the workers. All of this has clearly been done with an aim towards the continuous harassment of workers, and to discourage them from collectivizing further.

#### *4.5.1. FILING OF OMNIBUS FIRS*

The fact-finding team has observed that the police have filed omnibus FIRs, naming around 1000-2000 workers, without specifying the details of the accused. One FIR analysed by the fact-finding team only names the accused as “Shahi Garment Workers”. The FIR states that the Accused were causing a traffic jam, and they have been charged under Section 341 (wrongful restraint), and Sections 143 and 149 (unlawful assembly). By making all workers in Shahi Garments potential accused, this FIR allows for the arrest of any number of people at any point of time. Also, while the FIRs mention that thousands of people were involved in the riots. However, there is nothing to indicate how the police have identified four or five accused within the thousands of persons involved in the protests.

The filing of omnibus FIRs is a well-documented strategy by the State to suppress large-scale agitations. Such FIRs enable the police to continue making multiple arrests over a long period of time under the same FIR. As a result, anyone can be arrested at any point of time under one FIR. Omnibus FIRs have been used to make large-scale arrests during agitations in Kudankulam, Tamil Nadu, against the nuclear power plant in the fishing village. Interestingly, omnibus FIRs are also used to avoid indicting specific perpetrators. Therefore, in instances of communal violence, omnibus FIRs are filed making wide-ranging sweeping statements covering a wide number of offences committed over a large area, which ensures that the details of the actual perpetrator are omitted.

Thus, it is clear that the filing of omnibus FIRs runs counter to any concerns of investigative efficiency or clarity, and is in fact done either to protect the perpetrators of violence, or to instill a sense of fear in the community, as anyone may be arrested at any point of time. Evidently, in the present case, omnibus FIRs have been filed to allow the police to make ongoing arrests, and disrupt any continuing sense of unity among protesters.

#### 4.5.2. INCLUSION OF SERIOUS OFFENCES WITHIN THE FIR

Many of the workers who have been arrested have been booked under Section 307 of the Indian Penal Code. Section 307 deals with attempt to murder, and is a cognizable and non-bailable offence. Other sections used include Section 353 IPC, which penalizes the assault or use of criminal force to deter a public servant from the discharge of his duty, which is also a non-bailable and cognizable offence. The use of non-bailable offences has been done deliberately to make it absolutely difficult for workers to obtain bail. Many of the narratives make it clear that workers who have had been accused of attempt to murder had only acted in self-defence, and even then had not used force comparable to the gravity of the situation. The testimony of Mrs. Mamatha, who was arrested for attempt to murder even though she only held the stick of a policeman who tried to hit her, is an example of how workers have been deliberately framed in serious cases.

#### 4.5.3. FACTUAL INCONSISTENCIES WITHIN FIRS

Some of the arrested workers the fact finding team spoke to were able to produce documents (in and out timings) which showed that they were in fact at work on the days of the demonstration whereas according to FIR's they've been arrested under, they were at the site of the demonstration. The following account of a student who was arrested makes it amply clear how FIRs have been filed without any factual basis whatsoever.

Ratan is a student who works as an apprentice at a designer firm. His PG is adjacent to the site of the demonstration. On the day of the demonstration, he was at work and after work, went back to his PG. On his way back, he witnessed the ongoing protests. Neither did he take part in the protest, nor was he even in the vicinity for more than a couple of minutes. At 4.30 PM on the 19th, police barged into his PG and arrested around 10 students. While some of them were released, he and a few others were detained further. The FIR alleges that he took part in the protest and was involved in vandalising public property and causing a threat to the lives of the policemen present. Incidentally, he happens to have the attendance log sheet from his company which points to the fact that he was in fact at work at 12 30 PM, the time of the alleged commission of the offences as mentioned in the FIR.

None of the FIRs specify any description of the accused or the manner in which they were identified. Neither do they disclose any particulars about the incidents, or the manner of arrest. All of the FIRs analysed by the team have been filed *suo moto* by the Police, and not by affected persons.

None of the FIRs mention any details of any affected person or complainant other than the police. The FIRs read as standard format complaints, with no distinguishing details, clearly betraying their fabricated nature. The FIRs are filled with such factual inconsistencies which will become more apparent once trial commences, as the Police will not be able to supplement their claims about violence as alleged in the FIRs.

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#### 4.6. CONCLUSION

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The use of violence during the protests, filing of omnibus FIRs, and the custodial violence experienced by those arrested can be understood as part of a broader strategy by the police to violently suppress not only the protests, but any possibility of a future agitation.

It is clear from the narratives that violence from the protesters was largely peaceful, and most of the violence was either from outsiders who joined in the protest, or was retaliatory after the police attacked. However, the police have made no attempts to actually identify the instigators of violence, and have systematically targeted garment workers and innocent passers-by. Moreover, continuous re-arrests of those who have been able to make bail have created an environment of fear, as well as loss of faith.

Human rights investigations always reveal that violence in popular protest is invariably due to police provocation. This is what happened in this demonstration also. Evidence for the motivated nature of the police violence in this case is to be found in the fact that on three different locations, namely, Mysore Road, Mandya, and Maddur, the protests, according to reports (including from GATWU) were entirely peaceful, because the police acting in consort with the administration allowed the workers to demonstrate peacefully even while blocking the highway. The police and the district administration entirely cooperated with the demonstrators and earned goodwill of the workers.

As we have pointed out in the report, factory managements are currently threatening the workers to call the police and have them arrested. This establishes that the police is colluding with the management to contain the resistance.

While the garment industry employs a huge number of migrant workers, these workers have been heavily isolated and marginalized after the protests. Many workers spoke of the stigma of arrest and



police action. One worker spoke about how everyone in her neighbourhood knew that she had been arrested, and her children had to suffer taunts from other children.

We were informed that the hostels provided to women migrant workers were locked throughout the protests so that they could not join them. Those who managed to do so have been warned to leave the city immediately.

For the accused in the criminal justice system, the process of the trial itself is often the punishment. Criminal trials may extend for years, and an acquittal at the end does not account for the years of court appearances, the trauma of incarceration, and the disruption of everyday life. Labour agitations are routinely disrupted and discouraged through the filing of criminal cases. All those who have been targeted in this case are from working-class families, and the exorbitant costs of continuous legal fees and repeated surety has been a huge burden on families. By embroiling the protestors in criminal cases involving serious offences, the police have ensured that the workers are trapped within the cycle of criminal investigation. This is only compounded by the stigma associated with criminal investigation, and the potentially deleterious impact it has on a worker's future employment prospects.

## CHAPTER 5: PRIVATISING A PUBLIC FUND- AN ANALYSIS OF THE EMPLOYEES PROVIDENT FUND SCHEME (EPF)

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In order to better understand the garment workers' struggle of April 2016, it is necessary to analyse in some detail the changes that were proposed to the EPF on Feb 10, 2016 as well as the history and direction of the EPF Scheme as a whole. This is not the first time that the changes to the EPF have resulted in a mass action from unorganised workers in Karnataka. Previous plans to change the EPF have resulted in similar mass strikes from garment workers themselves.

### 5.1. BACKGROUND TO THE EMPLOYEES PROVIDENT FUND SCHEME

The Employees Provident Fund Scheme, or EPF, is a scheme where a portion of a worker's salary, as well as the employer's contribution, is mandatorily placed in a fund where the employee cannot access it – until certain conditions are reached, such as being unemployed for 2 months, or reaching the age of retirement. In official government communications, the EPF is often described as a way of ensuring that employees have some money to live off during retirement. However, wage levels for a majority of informal workers are very low, and therefore EPF is mostly used by informal sector workers as a 'life event' fund, to finance costly expenses such as weddings or emergencies.

The EPF was launched as the Employees Provident Fund Scheme in 1952, and has been subsequently amended in 1956 and in 1995. Prior to the recent amendments in 2016 which led to the protests, the EPF was constituted as follows:

<i>EPF Fund</i>				
	Employee portion	Employer portion	Interest	Total
% of salary	12%	3.67%	Variable % of total	15.67% of salary
% of EPF	76.6%	23.4%	Variable % of total	100.0% of EPF

Employees were able to withdraw the full EPF amount either on reaching 55 years or after 2 months of unemployment. Employees were also allowed to withdraw 90% of the full EPF amount either one year before reaching retirement or on reaching 54 years, whichever was later<sup>22</sup>. Various other provisions existed for withdrawing a *partial* amount of the EPF corpus for such instances as medical emergencies, funding a child's marriage, education etc<sup>23</sup>.

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## 5.2. RECENT PROPOSED CHANGES IN THE EPF

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In addition to the existing EPF scheme, the Union Budget (released on 29<sup>th</sup> of Feb 2016) included a provision such that upon withdrawal, 60% of the EPF corpus would henceforth be added to an employee's taxable income – i.e. income tax regulations would apply to an increased amount of money.

At first sight, there seems to be some difference of opinion as to whether this measure constitutes 'double taxation', i.e. taxing the same income twice. Various financial analysts suggest that the employees' contribution to the previous EPF had 'Exempt Exempt Exempt' (EEE) status – meaning that the employees contribution was not taxed when it was taken, when it earned interest, nor when it was withdrawn from the fund – so long as the employee had been inside the scheme for over 5 years. Employer contributions were tax free up to a limit of 12% of the employee's salary – the mandatory component is only 3.67%<sup>24,25,26</sup>.

However, since many employees in the unorganised sector do not stay in the scheme over five years, this means that the employee would be taxed twice on their EPF contribution- on their contribution if they left before five years, and on 60% of their corpus, thus constituting double taxation for them. According to a GATWU official, 50% of garment workers generally leave their company before 5 years is over. This was pointed out by various central trade unions as well<sup>27,28</sup>. Regardless of the

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<sup>22</sup> Sreekanth Reddy. "Latest EPF Withdrawal Rules W.e.f. Feb 2016." *ReLakhs.com*(blog). May 31, 2016.

<http://www.relakhs.com/latest-epf-withdrawal-rules-w-e-f-10th-feb-2016/>.

<sup>23</sup> "Why the Modi Govt Needs to Re-Evaluate Its Strategy on PF Withdrawal Norms." *The Wire*. April 20, 2016. <http://thewire.in/30525/why-the-modi-govt-needs-to-evaluate-its-strategy-on-pf-withdrawal-norms/>.

<sup>24</sup> Ghose, Tapati. "EPF tax row: Will it lead to double taxation?". *The Financial Express*, March 4, 2016.

<sup>25</sup> Shenoy, Deepak. "Clearing the Confusion on 'how EPF is Taxed at Exit in Budget 2016'". *Capital Mind.in*, Feb 29, 2016. <http://capitalmind.in/2016/02/clearing-the-confusion-on-how-epf-is-taxed-at-exit-in-budget2016/>

<sup>26</sup> "Changes in EPF Withdrawal Rules from 10 Feb 2016: Withdrawn". *Be Money Aware Blog*(blog), Feb 29, 2016. <http://www.bemoneyaware.com/blog/changes-in-epf-withdrawal-rules-from-10-feb-2016/>

<sup>27</sup> V. Bhatnagar, Gaurav. "Employees' Unions Criticise budget Plan to Tax Provident Fund". *The Wire*, Feb 29, 2016. <http://thewire.in/2016/02/29/employees-unions-criticise-budget-plan-to-tax-provident-fund-23237/>

<sup>28</sup> PTI, "Taxing PF withdrawal anti-worker and double taxation, says unions". *The Hindu*, March 1, 2016

double taxation measure, the new proposed policy represented a decrease in worker's incomes, which itself is very small to begin with.

These policy changes led to much back-and-forth contentious exchanges between workers, unions, and the government. A brief timeline of those events follows.

10 <sup>th</sup> Feb 2016	First announcement of 'single PF' changes'
29 <sup>th</sup> Feb 2016	Union Budget released – 60% of EPF corpus added to taxable income on withdrawal
Between 1 <sup>st</sup> -8 <sup>th</sup> March	Based on feedback – taxation plan changed only to tax the accumulated interest on the PF instead of the entire corpus <b>Error! Unknown switch argument.</b> <sup>29</sup>
8 <sup>th</sup> March 2016	After continuing protests, all proposed changes to taxation plan withdrawn <b>Error! Unknown switch argument.</b> A national strike was planned on 10 <sup>th</sup> March, but the changes occurred before the strike <b>Error! Unknown switch argument.</b>
1 <sup>st</sup> April 2016	'Single PF' changes deferred till April 30 <sup>th</sup> /May 1st <b>Error! Unknown switch argument.</b>
18 <sup>th</sup> April 2016	Day 1 of the Garment workers' protest - 'Single PF' changes deferred again till July 31 <sup>st</sup> 2016 <b>Error! Unknown switch argument.</b>
19 <sup>th</sup> April 2016	Day 2 of the Garment workers' protest - Single PF changes scrapped

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<sup>29</sup> "Clarification about Changes made in the Tax Treatment for Recognised Provident Fund & National Pension System(NPS)". Press Information Bureau, Government of India. March 1, 2016.  
<http://pib.nic.in/newsite/erelease.aspx?relid=137108>

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### 5.3. EPF AND THE FINANCIALISATION OF RETIREMENT FUNDS

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However another, perhaps more consistent, explanation for the changes in government policies on EPF has to do with the ‘financialisation’ of retirement funds. That is, all the policy changes from recent history are consistent with an attempt to create a large pool of people’s money that will increase on investment in the share market at a guaranteed and predetermined rate, and that people will not remove from at random. This money can be used by the government as an investment—at the cost of people’s livelihoods.

An explicit motivation for the change in taxation is as follows: *“The idea behind this mechanism is to encourage people to invest in pension products rather than withdraw and use the entire Corpus after retirement... When this 60% of the remaining Corpus is invested in Annuity, no tax is chargeable. So what it means is that the entire corpus will be tax free, if invested in annuity.”*<sup>30</sup>.

Annuity operates somewhat like a fixed term deposit for retired people – the holder deposits a lump sum to a financial institution, and gets a fixed amount yearly to cover life expenses, while the lump sum collects interest. Some packages allow for withdrawal of the full amount at a penalty. Annuities in India are seen to be a poor investment choice, with low interest rates and low liquidity<sup>31</sup>. So once again, we see that various government policies around EPF are forcing/compelling people to invest their money in schemes which have the common characteristics of giving people low interest rates for their money and locking this money into the financial industry as opposed to being easily accessible to the people whose money it ostensibly is.

This view is shared by a GATWU union official, who feels that the recent changes to EPF policy need to be seen as part of the government's long-term strategy to divert a part of the huge PF corpus (estimated to be about Rs. 7.53 lakh crore in 2015-06)<sup>32</sup> (the source for this should be footnoted) accumulated over the years to the share market for earning a profit.

For example, in the financial year 2015-2016, the Finance Minister asked the EPFO to invest between 5% and 15% of its incremental corpus in equities. The EPFO invested around Rs. 5000 crores in equities, and suffered a loss of Rs. 300 crores in the same year.

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<sup>30</sup> *ibid.*

<sup>31</sup> Nathan, Narendra. "Why annuities are a poor investment choice". *The Economic Times*, May 26, 2014

<sup>32</sup> <http://www.thehindu.com/news/cities/Hyderabad/epfo-investments-in-equity-to-go-up/article8698834.ece>

This loss was actually borne by the PF investor, i.e., the employee, since investment of the PF fund (unlike the LIC's share market investments) is not backed by government guarantees, and losses on investments translate into reduced returns for employees.

Another factor contributing to the push for greater financialisation of retirement funds is the steady decline in per capita savings by the people since the government in recent years has brought down rates of interest (effectively to 5%, if you factor in income tax, cess etc.) in various savings schemes in public sector banks and post offices.

Like several other sectors of society which have been wholly or partially privatised, it will not be surprising if in future, government policy leads to the privatisation of the management (and thus profit making) of the provident fund or funds, as is currently the case in many other countries. A push towards furthering the profits of private players is already seen in the support provided for annuities packages (both privately and publicly operated) in the attempted taxation changes. In any case, these policy shifts are broadly representative of a long-term policy of taking control of people's money away from their own management and diverting it into a central pool with which to make profit, at the expense of ordinary people's life situations.

The fact that this protest was held by garment workers, and not by workers in the organized sector, indicates the importance of EPF in the unorganized sector, especially in light of wages.

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#### **5.4. HOW WORKERS USE EPF**

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There are two main ways to understand the changes in the EPF policy over time. On the face of it, the biggest contention between the central government and the workers is over what the EPF 'should be' and what purpose the EPF actually serves on the ground.

As noted by several workers and union officials, there are very few garment workers who work up to the retirement age, due to low wages, intolerable work conditions, and their straitened life circumstances. Salaries are too low to cover emergency needs, and crucially, the failure of the welfare state to provide for subsidized quality childcare, healthcare, housing, and education means that employees have to frequently use their savings for these expenses, as well as other life events such as weddings, festivals, etc.

Hence the EPF frequently acts as an emergency fund for workers. In case of a family emergency, a garment worker may choose to retire and wait for two months to be able to claim the corpus of money saved under the system. It must be noted that the interest rates under an EPF system are much lower than other safe financial instruments like mutual funds<sup>33,34</sup>. In addition, some workers interviewed are skeptical of even surviving till the designated retirement age of 55 or 58.

Some union officials go to the extent of saying that for some workers at least, the EPF in its totality is unviable, and hence simply raising salaries to a reasonable level would be enough to serve the function that EPF is currently providing. This would have other advantages too, including higher rates of interest from self management of money and reduced bureaucratic hassles. In many cases, people are forced to forgo their PF dues, due to keeping improper documentation or records, or opening accounts in other people's names (i.e. a relative) or other such hassles.

On the other hand, various government organs the central government, especially the Finance Ministry, are keen on seeing the EPF being used 'what it was designed for', ignoring the reasons behind the ground reality, and without attempting to improve conditions in people's lives that might make that possible. Arguably, it is from this impulse that emerge policy suggestions to homogenise taxation outcomes and to enforce savings till the age of 58. This is evident in various justifications offered by the government, such as the one made after the 'Single PF' changes were scrapped: "The objective was to provide a minimum social security to the workers at the time of retirement. It was noticed that over 80 per cent of the claims settled by EPFO belonged to premature withdrawal of funds, treating the EPF accounts as savings accounts, and not a social security instrument"<sup>35</sup>. In fact, this system reveals a tension between two approaches – as even in the recent set of changes, it was explicitly stated that women are allowed to withdraw their portion of EPF on event of marriage, childbirth or pregnancy – the policy is simultaneously seen as a forced retirement policy, but at the same time it acknowledges that in practice it serves as a life-event savings fund.

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<sup>33</sup> Chandrakant Mishra, "New EPF Withdrawal Rules From 2016!! You Can't Miss it". *Plan Money Tax*. 2016.

<sup>34</sup> Parekh, Raviraj. "Full EPF withdrawal Not allowed- 4 new changes of EPF Withdrawal". *Money Excel*. April 20, 2016. <http://moneyexcel.com/13700/epf-withdrawal-rule-new-changes>

<sup>35</sup> "Government Decides to withdraw the 10th February 2016 Notification with Immediate Effect". Press Information Bureau, Government of India, Ministry of Labour & Employment. April 21, 2016. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=139046>

Interestingly, in terms of union work, many unions seemed to share to an extent the government's point of view as to the purpose of the EPF. Both KGWU and GLU staff have tried to convince workers about the usefulness of seeing the PF as a long-term savings scheme for retirement, and KGWU even actively discouraged workers from taking loans from PF to fund major life expenditures. GLU aimed to combine this focus with the fight for increased worker salaries. However, due to the explosive nature of the PF issue and the struggle that took place, the union changed its position and actions on this issue.



## CHAPTER 6: FABRICATED PATTERNS- AN ANALYSIS OF MEDIA REPORTAGE

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Given the significance of the protest for the working class in India and the historic opportunity it afforded the media, how did the media encounter this opportunity?

For this purpose, reports from three English dailies (Bangalore edition) were examined — *The Hindu*, *The Times of India*, and *Bangalore Mirror* as well as other reports from online news websites such as *thenewsminute.com*, the alternative feminist e-zine *theladiesfinger.com*, and the *Frontline* magazine. This is followed by an analysis of reports from five Kannada dailies, namely, *Kannada Prabha*, *Udayavani*, *Sanjevani*, *Vishwavani* and *Prajavani*.

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### 6.1. ANALYSIS OF ENGLISH MEDIA REPORTAGE

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#### 6.1.1. METHODOLOGY

For the purposes of this section, 54 news articles on the events relating to the Flash strike, going from 19<sup>th</sup> April to 21<sup>st</sup> April, were collected and analyzed based on the details they presented as well as the narrative structure of the coverage. News articles analyzed came from a variety of sources, including newspapers with print editions, online editions of television channels, and alternative media outlets with online articles. We present, in this section the result of this analysis.

When it came to coverage of protest events, the traditional news media tend to follow a set routine and pattern of characteristics referred to as the “protest paradigm”<sup>36</sup>, consisting of elements such as narrative structure, or framing, a reliance on official sources, and a one-sided invocation of public opinion — elements that lead, ultimately, to the de-legitimization, marginalization, and even demonization of protesters.

The first is the narrative structure in which it is common for the journalists to cast the protest as a battle between the protestors and the police, rather than as an intellectual debate between the protestors and those they oppose. The emphasis quite often is on social disorder.

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<sup>36</sup> Chan, J. M., & Lee, C. C.. Journalistic paradigms on civil protests: A case study of Hong Kong. In A. Arno & W. Dissanayake (Eds.), *The news media in national and international conflict* (pp. 183– 202). Boulder, CO: Westview Press, 1984

The second is the reliance of journalists on official sources and official definitions in protest stories which results in support for the status quo by telling the story from those sources' perspectives.

Third is the invocation of public opinion. News stories can convey cues to public opinion through opinion polls, overt characterizations, invocation of social norms, violations of laws, and symbolic use of bystanders.<sup>37</sup>

A study of the reports of April 19<sup>th</sup> and 20<sup>th</sup> reveals that most of the reports fit within the characteristics of the protest paradigm, with the exceptions of a few stories that appeared on April 20<sup>th</sup> and on later dates.

### 6.1.2. NARRATIVE STRUCTURE

On April 19<sup>th</sup>, three of the newspapers carried the story of the protest on their front pages, with the following headlines:

*The Hindu*: Flash Strike Shuts Down Hosur Road for 6 Hours<sup>38</sup>

*The Times of India*: Garment Workers' Strike Jams Hosur Road for 7 Hours<sup>39</sup>

*Bangalore Mirror*: Chaos Reigns in East Bengaluru<sup>40</sup>

*Deccan Herald*: Garment Workers' Protest Turns Violent in Bengaluru<sup>41</sup>

The narrative here is of a city that was held “hostage” by an “unruly” and “enraged mob”. The stories focused on the traffic jam and road blocks caused by the protest, giving very little information about the protestors. The reasons for the protest were summarised in one or two lines, adding very little to the understanding of the issue at hand.

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<sup>37</sup> McLeod, D. M., & Hertog, J. K. (1992). "The manufacture of public opinion for reporters: Informal cues for public perceptions of protest groups". *Discourse and Society*, 3(3), 259–275.

<sup>38</sup> Bharadwaj, K.V.Adithya & Peter, Petlee. "Flash strike shuts down Hosur for 6hours". *The Hindu*, April 19, 2016, available at <http://www.thehindu.com/news/cities/bangalore/flash-strike-shuts-down-hosur-road-for-6-hours/article8492767.ece>

<sup>39</sup> "Garment workers' strike jams Hosur Road for 7 hours". *The Times Of India*, April 19, 2016, available at <http://timesofindia.indiatimes.com/city/bengaluru/Garment-workers-strike-jams-Hosur-Road-for-7-hours/articleshow/51887204.cms>

<sup>40</sup> "Chaos Reigns in East Bengaluru". *Bangalore Mirror*, April 19, 2016, available at <http://www.bangaloremirror.com/bangalore/others/Chaos-reigns-in-East-bengaluru/articleshow/51884500.cms>

<sup>41</sup> "Garment workers' protest turns violent in Bengaluru". *Deccan Herald*, April 19, 2016, available at <http://www.deccanherald.com/content/541364/garment-workers-protest-turns-violent.html>

The images that accompanied the stories highlighted traffic jams and the police and protestors' clash, thereby highlighting disruption, violence, and conflict.

In addition to the battle theme, the issue of social order also dominated the coverage. The actions of the police were framed as efforts to restore order. The demonstrators were reported as having disrupted the social order, blocking streets, and acting violently toward the police.

The police lathi charge was described as mild<sup>42</sup>, while stories of police brutality and excess are absent. With one exception<sup>43</sup>, no article contested the narrative that police were taken unaware, and this led to a follow-up interpretation of an emergency situation that could justify any accusation of violence by the police. Only one article made mention of the gender composition of the response.<sup>44</sup> No article made a comparison of the violent and gratuitous police response in Bangalore as against the regulated response seen outside of Bangalore. In fact, articles that looked at each site of protest looked very similar.<sup>45</sup> Though two articles discuss the issues of hyped up cases<sup>46</sup>, no news source covered the manner in which police conducted their investigation. There were pictures shown of police beating protestors<sup>47</sup>, the word violent was almost entirely reserved for the protestors starting

<sup>42</sup> "Police Lathicharge Garment Workers Protesting PF Amendment", *Outlook*, April 19, 2016, available at <http://www.outlookindia.com/newswire/story/police-lathicharge-garment-workers-protesting-pf-amendment/937144>

<sup>43</sup> "What was State's police intelligence wing doing: HC", *The Hindu*, April 21, 2016, available at <http://www.thehindu.com/news/cities/bangalore/what-was-states-police-intelligence-wing-doing-hc/article8502390.ece>

<sup>44</sup> "Police action on women protestors comes under criticism", *The Hindu*, April 21, 2016, available at <http://www.thehindu.com/news/cities/bangalore/police-action-on-women-protesters-comes-under-criticism/article8504186.ece>

<sup>45</sup> For example, both *The Hindu* ("Garment unit workers block Bengaluru-Mysuru highway, April 19, 2016, at <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/garment-unit-workers-block-bengalurumysuru-highway/article8492461.ece>) and the Deccan Chronicle ("Traffic blocked on Mysuru Highway for 10 hours, April 19, 2016, available at <http://www.deccanherald.com/content/541385/traffic-blocked-mysuru-highway-10.html>) covered the protests on Mysore Highway, and focused on the traffic blockade in those areas. However, reports on protests elsewhere, e.g. Jalahalli cross (see footnote 42) and Bomanahalli ("Bengaluru: Garment workers' protest over EPF withdrawal norm turns violent; buses set on fire", *DNA*, April 19, 2016, available at <http://www.dnaindia.com/india/report-bengaluru-garment-workers-protest-over-pf-withdrawal-norm-turns-violent-buses-set-on-fire-2203767>) focused more on the PF regulations and the impact the proposed changes will have on workers.

<sup>46</sup> "Over 200 garment workers still awaiting bail". *The Hindu*, May 1, 2016, available at <http://www.thehindu.com/news/national/tamil-nadu/over-200-garment-workers-still-awaiting-bail/article8543096.ece?ref=tpnews>. See also "May Day: garment workers' issues dominate programmes", *The Hindu*, May 1, 2016, available at <http://www.thehindu.com/news/cities/bangalore/may-day-garment-workers-issues-dominate-programmes/article8545447.ece>

<sup>47</sup> "Garment workers' protest over EPF withdrawal norm turns violent; buses set on fire", *DNA*, April 19, 2016, available at <http://www.dnaindia.com/india/report-bengaluru-garment-workers-protest-over-pf-withdrawal-norm-turns-violent-buses-set-on-fire-2203767>. See also "Bengaluru garment workers riot over PF norms, burn three buses", *Business Standard*, April 19, 2016, available at [http://www.business-standard.com/article/current-affairs/bengaluru-garment-workers-riot-over-pf-norms-burn-three-buses-116041900432\\_1.html](http://www.business-standard.com/article/current-affairs/bengaluru-garment-workers-riot-over-pf-norms-burn-three-buses-116041900432_1.html)

on day 2 of the demonstration. Follow-up articles on violence done by the police are absent, and the continuing persecution of workers' found little coverage.

Only on day two (April 20th), the momentous significance of the protest was finally understood by the newspapers, and stories of the protest made it to the front page.

### 6.1.3. RELIANCE ON OFFICIAL SOURCES

The newspaper articles on April 19th and 20th also reveal a heavy reliance on official sources. In several reports and quotes from police sources were given more prominence than quotes from workers. Quotes from union leaders who did not lead the protest were also given more prominence than from the women who led the protests. The women protestors found no voice in most of the reports published on April 19th and 20th.

The quotes by police sources tended to justify the force police used to quell the protest. Police Commissioner N.S. Megharikh was prominently quoted by all the newspapers: "Most of the 116 arrested were such mischief-makers. He said more such troublemakers were identified and action would follow. While the garment workers, are mostly women, only three of the 116 arrested were women"<sup>48</sup>. There is no mention of arbitrary arrests and detention made by the police over the two days and the days following the protest, and no attempt made to get the protestors' version. Even as *Bangalore Mirror* carried a story of 'Innocent Bystanders Injured by Bullets as Police Fire into Air'<sup>49</sup>, there is no criticism of police action in the story.

All the newspapers relied on official sources to get information on the number of people detained or arrested by the police, thereby allowing the official sources to define the perspective of the stories. Such a perspective focuses on questions of 'legality of actions' as opposed to the 'morality of issues'. In the process, protest coverage by the media legitimizes official authority and marginalizes radical protest actions.

Actions taken against workers' were not mentioned unless it was made by a leader or spokesperson from outside the protest. Leaders would highlight the issue of pending cases, but not the gratuitous

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<sup>48</sup> "Mischief mongers". *The Hindu*, April 20, 2016, available at <http://www.thehindu.com/todays-paper/mischief-mongers/article8496205.ece>

<sup>49</sup> "City turns into Urban war zone". *Bangalore Mirror*, April 20, 2016, available at <http://www.bangaloremirror.com/bangalore/others/City-turns-into-urban-war-zone/articleshow/51900773.cms?>

violence done by police both during the protest, or immediately afterwards.<sup>50</sup> Worker testimonies found sporadic mention across some articles.<sup>51</sup> Most noticeably absent were testimonies of workers denying their connection with those who engaged in violence, both in attacking the police station or setting buses on fire. For example, an article by the *International Business Times* linked to a video in which workers denied any association with violence, but that was not mentioned in the text of the article.<sup>52</sup> This leaves the impression that most of the workers were violent, when that was not in fact the case. Articles which suggested that the demonstrators were not responsible did so by pinning the responsibility on someone else, including bystanders.<sup>53</sup> The police narrative was left unassailed, except when questioned by the High Court.<sup>54</sup> Violence was therefore painted as an inevitable result of an unregulated protest done by a 'mob,' where violence was inevitable and immediate, when in fact, we find that violence could have been avoided.

Gratuitous violence was mostly mentioned in the context of violence against the journalists themselves.<sup>55</sup> Here again, violence was not considered either systemic or arbitrary, but as an exception. This contributed to the narrative of the protest paradigm, where the excesses of police violence were the result of a chaotic situation, rather than the cause of one.

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<sup>50</sup> “Over 200 garment workers still awaiting bail”. *The Hindu*, May 1, 2016, available at <http://www.thehindu.com/news/national/tamil-nadu/over-200-garment-workers-still-awaiting-bail/article8543096.ece?ref=tpnews>

<sup>51</sup> *Supra* note 42. Also see “Monday Blues: Why Thousands of Garment Factory Workers blocked a Major Bengaluru Road”, *The News Minute*, April 19, 2016, available at <http://www.thenewsminute.com/article/monday-blues-why-thousands-garment-factory-workers-blocked-major-bengaluru-road-41800>

<sup>52</sup> “Huge traffic jams in Bengaluru as garment workers protest over PF rules”, *International Business Times*, April 19, 2016, available at <http://www.ibtimes.co.in/huge-traffic-jams-bengaluru-garment-workers-protest-over-pf-rules-675356#M8V1A5HDiXAdtH0C.97>

<sup>53</sup> “Flash strike shuts down Hosur Road for 6 hours” *The Hindu*, April 19, 2016, available at <http://www.thehindu.com/news/cities/bangalore/flash-strike-shuts-down-hosur-road-for-6-hours/article8492767.ece>

<sup>54</sup> *Supra* note 43

<sup>55</sup> “PF issue: 18 cases registered, 50 held as Centre deploys forces in Bengaluru”, *Deccan Chronicle*, April 20, 2016, available at <http://www.deccanchronicle.com/nation/current-affairs/200416/centre-deploys-forces-in-bengaluru-after-violence-over-provident-fund-issue.html>. Also see “Garment-workers-protest-turns-violent”, *Deccan Herald*, April 19, 2016, available at <http://www.deccanherald.com/content/541364/garment-workers-protest-turns-violent.html>

#### 6.1.4. PUBLIC OPINION

In the news reports on the protest, the reactions from IT employees were given more prominence than any from any of the protestors. As if on cue, interviews with bystanders and commuters focused on the inconveniences the protestors had created for Bangaloreans as a result of closed roads. A typical example:

*"I was heading to a client meeting in Koramangala, along with two colleagues, when we got stuck near Silk Board for nearly two hours. There was some fire and commotion. Initially we thought it was an accident but soon realised, through the internet, that it was a protest by garment workers."*<sup>56</sup>

The editorial opinion on the protest as articulated by *The Times of India* under the title 'Times View' on April 19th is noteworthy:

*"The sudden strike by garment factory workers in Bommanahalli and Maddur has brought to light the seething anger among a section of society that has little to fall back on by way of savings. But the demonstration of their discontent, no matter how justified, has only brought misery to the citizens of Bengaluru and Mysuru. The stir and accompanying violence have resulted in a massive waste of time and energy. While there is a great deal of sympathy for this cause, and it's hoped that the authorities will take note, those behind this concerted protest must realize its futility too"*<sup>57</sup>

This disingenuous statement clearly reflects the English media's clear bias on the protest. While *The Hindu* and *The Times of India* attempt to be more balanced in their coverage on day two (April 20th) by including articles about the protestors that allow them to speak for themselves, the result is not always a deeper understanding. By emphasising events rather than issues, the coverage is not as balanced as it could be. By relying on the protest paradigm, many of the articles actually delegitimised and marginalised the protestors resulting in endorsing and upholding the status quo.

On the positive side, *The Hindu* published a piece, 'Anatomy Of A Leaderless Protest' on April 20th that took note of the conditions under which the predominantly women's workforce came to join the protest.<sup>58</sup> *TOP's* article 'Slogging to Keep Home Fires Burning Women Garment Workers in A

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<sup>56</sup> "I locked the doors of my car and stayed inside", *The Hindu*, April 19, 2016, available at

<http://www.thehindu.com/news/cities/bangalore/i-locked-the-doors-of-my-car-and-stayed-inside/article8490890.ece>

<sup>57</sup> "Thousands of garment factory workers protest new PF rule". *The Times of India*, April 19, 2016, available at <http://timesofindia.indiatimes.com/city/bengaluru/Thousands-of-garment-factory-workers-protest-new-PF-rule/articleshow/51887228.cms>

<sup>58</sup> S. Bageshree & Bharadwaj, K.V. Aditya. "Anatomy of a leaderless protest". *The Hindu*, April 20, 2016, available at <http://www.thehindu.com/news/cities/bangalore/anatomy-of-a-leaderless-protest/article8497313.ece>

Double Bind<sup>59</sup> also provided a more sensitive insight into the lives of the women who joined the protest.

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## 6.2. ANALYSIS OF KANNADA MEDIA REPORTAGE

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For this media analysis of the Kannada media, articles from the newspapers such as *Kannada Prabha*, *Udayavani*, *Sanjevani*, *Vishwavani* and *Prajavani* were analyzed. Annexed are the articles that were accessed.

In the Kannada media reports, the focus has been on how the demonstration of garment workers caused damage to both public and private properties such as the Hebbagodi police station, the PF Bhavan in Singasandra, and other buildings in the vicinity of the protest, along with BMTTC and KSRTC buses, police vehicles, and other vehicles that were burnt down by miscreants. These reports talk about how the demonstration over the two days caused disruptions to daily life in the three areas of Bommanahalli, Mysore Road, and Peenya, where traffic was blocked from three to 13 km, for between three and five hours. They reported that ambulances were stuck in traffic jams, causing much anxiety among the relatives of the patients. The articles also reported how pregnant women who were commuting in buses had to alight and wait at nearby shops for the demonstrators to disperse, thus causing severe inconvenience. In other words, the tone that the media reports take towards the garment workers' demonstration is negative in order to establish that the demonstration was disruptive and violent. The reports mainly focus on the lathi-charge against the workers by the police, the use of tear gas, gunshots being fired in the air as a warning to the demonstrators, and so on, all of which suggest that the media is projecting the use of violence as a justified response to unruly demonstrators. Although no newspaper directly attempted to establish whether the stone-pelting began first or the lathi-charge, the justification of the use of violence in the media speaks volumes about their bias. Actually, our fact-finding team has gathered in the process of investigation that stone-pelting by male protesters was in reaction against the lathi-charge of the police, who were

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<sup>59</sup> Burli, Deepika. "Slogging to keep home fires burning, women garment workers in a double bind". *Times of India*, May 2, 2016, available at <http://timesofindia.indiatimes.com/city/bengaluru/Slogging-to-keep-home-fires-burning-women-garment-workers-in-a-double-bind/articleshow/52069500.cms>

brutally assaulting their women comrades. In fact, only one newspaper article talks about how the women workers were beaten up by the male police officers.

The media have also been silent on the role the EPF played in the workers' lives, which pushed the workers to take to the streets, seeking justice. They barely allude to the reason why EPF is important for these workers, or to the abysmal working conditions of these women in the garment factories, the humanly impossible production targets they have, etc.

Newspapers have reported on the arrests that were made as a result of the demonstration and have given statistics. They have also detailed the number of public and private buses, as well as police vans that were damaged and burnt in Jalahalli and Peña areas. *Prajavani* and *Udayavani* have described how more than a hundred women workers, a number of police personnel, and even passersby were injured in the stone pelting, and one passerby was shot at, in Bommanahalli and Hebbagodi areas.

But what the media has failed to pick on and write about is the indiscriminate arrests that were made by the police in the context of the demonstration. It was seen in our fact-finding process that those arrested were not just workers of garment factories, but students, passersby, and residents in the area of these protests who were arrested. What the media has also failed to report is the harassment and torture that the arrested persons underwent in both the police stations during custody, and subsequently on the factory floors once they were released. Many of the arrested were not involved in stone-pelting and were not even a part of the protest, as can be seen from the testimonies that are annexed with this report.

Very few newspaper articles have made an attempt to bring out the momentous significance of the demonstration, which compelled the Modi administration, which is implacably opposed to workers' rights, to withdraw its notification.

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### 6.3. THE SILVER LINING

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While the mainstream media coverage, on the whole, utilised the protest paradigm to cover the protest, it is on alternative media, online news websites, magazines that the reportage broke the protest paradigm.



*theladiesfinger.com*, a feminist e-zine published the piece 'If You Thought it Was Easy for Garment Workers to Protest for Their PF, You Need to Read this'<sup>60</sup> which focused on the personal narrative of the women workers who joined the protest. The piece highlights the everyday experience of the women who work in the garment factories and draws connections with other such protests, specifically to a very similar protest led by women in July 2001, in Peenya protesting for the same reason.

*thenewsminute.com* an alternate news website published 'Beyond the Media Narrative on Bengaluru Protests: PF Policy was Only A Trigger'<sup>61</sup> on April 24 that attempts to go beyond the immediate cause of the protest to highlight the issues of everyday harassment that the women workers meet at the hands of their male supervisors.

Other pieces that took note of the women protestors and their working conditions were published in *The Hindu* 'Can We Sit Down?'<sup>62</sup> by Gita Aravamudan and the *Frontline* 'Class Outburst' by V. Sridhar.<sup>63</sup>

In contrast to the articles in Kannada newspapers mentioned above, *Prajavani* has talked about the EPF issue, the precarious working conditions in garment factories, and have also taken quotes from the garment workers and their unions, talked about the police brutality during the protest, and provided a historical context of the garment industry in Bangalore.

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<sup>60</sup> Ananya, Ila. "If you thought it was easy for garment workers to protest for their PF, you need to read this". *The Ladies Finger*, April 22, 2016. Available at <http://theladiesfinger.com/heres-women-protesters-bangalore-provident-fund/>

<sup>61</sup> Srinivasan, Sarayu. "Beyond the media narrative on Bengaluru protests: PF policy was only a trigger". *The News Minute*, April 24, 2016. Available at <http://www.thenewsminute.com/article/beyond-media-narrative-bengaluru-protests-pf-policy-was-only-trigger-42098>

<sup>62</sup> Aravamudan, Gita. "Can we sit down?". *The Hindu*, May 21, 2016, available at <http://www.thehindu.com/features/magazine/gita-aravamudan-on-whether-women-workers-need-trade-unions-of-their-own/article8629539.ece>

<sup>63</sup> "Class Outburst". *Frontline*, May 13, 2016. Available at <http://www.frontline.in/the-nation/class-outburst/article8524185.ece>

## CHAPTER 7: A 'WILDCAT' STRIKE? SOME REFLECTIONS ON THE GARMENT WORKERS' PROTEST

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The events of April 18<sup>th</sup> and 19<sup>th</sup> revealed a huge workers' protest of a kind that Bangalore has never seen before. It was one of the few protest actions on such a large-scale by unorganized workers. About 50,000 to 1 lakh garment workers, 80 per cent of them being women, amassed in the arterial roads of the city, and brought traffic and work of the city to a grinding halt. It was a protest that, though brief, assumed the dimension of a workers' uprising. The State Government was completely caught unawares and hastily tried to exploit the event for political motives and expressed support for the protest. However, at the end, the State Government expressed its determination to stamp out the strike by ordering a lathi-charge by State police. At first, the police were also bewildered and were at a loss on how to control a protest on such a large scale by women workers; however, when they did take action against the strike, they bore down ruthlessly on the women workers who had assembled peacefully, engaging in a protest demonstration and disrupting traffic and commercial activities.

The garment workers' unions in the city were also not prepared for the strike and seemed to have been overtaken by the events. But they eventually decided to lend support to the protest by mobilizing more workers to the protest and maintaining peace. In fact, the unions have admitted that on the PF issue, they were undecided about what action they should take on this matter. Thus, the strike was one of its kind and did not develop into a larger movement, nor did it spread amongst other sections of the working class.

Yet, it was a strike that was waiting to happen. As pointed out earlier in our report (see the prelude section), there was growing anxiety and worry among the garment workers about how such a measure would endanger their economic security. The garment workers perceived that they were in an extremely precarious situation and this impelled them to rise up in a massive protest. The unions counselled the workers to wait for the deliberations with other unions before launching a full scale protest. But, it was not till April 18<sup>th</sup> that it became a full-fledged protest. The unions themselves acknowledge that the strike was successful not due to conventional union politics, but unplanned mass resistance. It wasn't anticipated that the protest would become a nation-wide issue.

The Modi government, launching a spree of anti-worker legislations, had failed to gauge the workers' mood and tried to contain their opposition by making minor changes in the PF notification. It was

only when the two-day strike threatened to assume the dimensions of a workers' uprising that the government beat a hasty retreat.

One reason the PF notification did not make the same kind of impact on the organized workers of other sectors, such as manufacturing, PSUs and IT industries, is that the garment workers, unlike other organized workers, are simply not in a position to pursue a professional career long enough to wait till they are 58 years old to collect their PF and pension. The precarious working conditions in garment factories ensure that workers cannot continue with the job due to its stress-inducing nature, which impacts their physical and mental health. They are not seeking long-term employment stability, since having a job is a daily necessity.

What has been the impact of the protest on the women garment workers in Bangalore? It is a mixed picture on the whole, since post the strike, a section of the garment workers have felt intimidated and have fled the city, and have removed themselves from the struggle. This is due to the police brutality and continuing surveillance and harassment that is taking place in the factories by the police, with the collusion of the management. However, many other garment workers also see the protest as having secured them a significant victory by making it a national event. A large number of workers who came out and took part in the protest are fully determined to continue their struggle and to collectivize. The unions tell us that there has been a significant increase in the union membership post the strike.

Yet, it must be mentioned that the garment women workers in Bangalore have repeatedly gone on mass protests solely on the single issue of PF ('double to single') in 1995, 2002, and 2016, but on the twin fundamental issues of low wages and exploitative working conditions, while they have occasionally wrested some concessions from individual managements, they have been unable to organize themselves as a whole and stage mass strike actions against factory managements and force them to enter into collective bargaining with their workers. In contrast, even while the Indian working class as a whole has suffered major setbacks under the onslaught of the neo-liberal state in the last 20 years, this has not deterred them from organizing themselves and forcing collective bargaining upon the management to win some significant victories.

At the outset, it must be mentioned that the garment women workers in Bangalore have repeatedly gone on mass protests on the single issue of PF ('double to single') in 1995, 2002, and 2016, but on the twin fundamental issues of low wages and exploitative working conditions, while they have

occasionally wrested some concessions from individual managements, they have been unable to organize themselves as a whole and stage mass strike actions against factory managements and force them to enter into collective bargaining with their workers. Even while the working class has suffered major setbacks under the onslaught of the neo-liberal state in the last 20 years, this has not deterred them from organizing themselves and forcing collective bargaining upon the management and won some significant victories.

This apparent lack of political consciousness has produced a situation where the garment women workers are periodically forced to vent their anger against the state's attempts to restrict their access to PF. In the protest of April 18-19, the various managements didn't make any serious attempt to prevent workers from staging walk outs in their factories, and let the 2-day strike take its own course—even while suffering significant losses in production. The managements seemed to condone these protests on the calculation that such actions deflect the workers from turning to the fundamental worker issues of wages and working conditions and rise against the managements.

This apparent lack of political consciousness among the garment workers has produced a situation where they are periodically forced to vent their anger against the state's attempts to restrict their access to PF. In the protest of April 18-19, the various managements didn't make any serious attempt to prevent workers from staging walk outs in their factories, and let the 2-day strike take its own course—even while suffering significant losses in production. The managements seemed to condone these protests on the calculation that such actions deflect the workers from turning to the fundamental worker issues of wages and working conditions and rise against the managements.

While it is difficult to predict the future, it is reasonable to come to some conclusions about what this protest portends. Given the fact that the protest came from a feminized workforce, who are up against the deep patriarchal and capitalistic structures, we may expect similar resistances in future as these structures continue to oppress the workforce. Within the global economy, women workers' mobilization and resistance are always gendered, for the double burden on women workers as workers and housewives (not only contributing to the family financially, but also providing free labour in terms of maintaining the household) leaves them with neither the time nor opportunities to get organized. It is for this reason that spontaneous acts of protest by women workers in the informal sector are mostly perceived as scattered acts of resistance. The precarious and spontaneous nature of female workers' resistance is emphasised in epithets such as “underground struggles”, and

“wildcat strikes”. Such characterisations run the risk of oversimplifying the complex reasons explaining why and how women choose to resist. This argument is used to understand why women workers refrain from radical confrontational politics that will result in a loss of jobs, and thus their livelihoods. As a result, the neoliberal economy and the patriarchal system collude to oppress not just workers’ resistance in general, but specifically women workers’ resistance. However, while patriarchy and capitalism act hand-in-hand in suppressing women’s resistance, the history of women’s movements globally tells us that women workers have always evolved strategies to fight back. The International Working Women’s Day, which is celebrated every year on March 8, began to commemorate successful mass strikes by women garment workers in New York in 1909. Approximately 20,000 women workers walked out of their factories in November 1909, and this strike remains the largest strike by women in American history.

The false characterization of women’s struggles as random, uncoordinated, and ultimately pointless, runs corollary to the understanding of women’s work as merely supplementary, sporadic, and ultimately secondary to their primary role as caregivers. Both assertions are steeped in gendered assumptions about women’s roles and abilities. It is important to note that the 1909 garment workers’ strike in New York was led, supported, and participated in by women union workers, as many men union workers felt that women could not be unionized. The strike exposed myths about the difficulties of organizing women, and it laid the groundwork for increased unionization in the garment industry.

While the brutal police crackdown after the April 18 and 19 protests have been disheartening to many workers, many others have also spoken of a sense of victory at having forced the government to withdraw the PF notification. It is specious to suggest that the garment workers’ protests were unprecedented, because that erases the history of women’s resistance as central to the working class struggle. However, the protests certainly inspire hope in the possibilities of radical collective action, at a time when the neoliberal state is dismantling the entire gamut of labour rights.

## CHAPTER 8: DEMANDS OF THE FACT FINDING TEAM

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

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### STATE GOVERNMENT

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- Chief Minister Siddaramaiah must follow up on his promise to release all those arrested in relation to the garment workers' demonstration on the April 18<sup>th</sup> and 19<sup>th</sup>, 2016
- No new arrests must be made
- All cases against those arrested must be withdrawn by the State Government
- Comprehensive investigation into police brutality must be ordered
- All police officers who were involved in flouting procedures of arrest, use of criminal violence and intimidation must be suspended and appropriate disciplinary and criminal action taken against them
- All workers who were injured in the police violence must be compensated
- Ensure that in future, the law in regard to the standard operating protocols is complied with and excessive violence is not used
- Investigate the actions of NGOs such as Paraspara Trust which are registered with the Department of Women and Child Welfare, and have facilitated illegal detention of garment workers.

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### STATE HUMAN RIGHTS COMMISSION

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- Obtain and provide information of all FIRs filed with regard to the arrests made during and after the demonstration, as the police are refusing to share details of FIRs, thus impeding enquiry into police excesses.
- Conduct an investigation into police using institutions outside of existing correctional facilities for the purposes of detention, including NGOs such as *Paraspara* Trust.
- Conduct an enquiry into the role of *Paraspara Trust* in functioning as a private detention centre.

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## **DIRECTOR-GENERAL AND INSPECTOR-GENERAL OF POLICE, KARNATAKA**

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- Take disciplinary action and criminal action against those policemen who have perpetrated acts of violence
- Stop police intimidation of garment workers and others implicated in the police action, and take necessary steps to ensure a speedy end to illegal and forcible house entries and intimidation of residents in the affected neighbourhoods. .
- Take necessary steps to actively end the climate of fear that the police have generated and send circulars to all factory managements assuring that the police will not arrest, pursue further cases, or harass people in their factories or homes.
- Payment of compensation to victims of police violence and persecution for physical injury, psychological trauma, missed days at work, and false cases.
- Circle Inspectors of respective police stations must ensure that possessions seized from those arrested are returned in proper condition, and compensation must be provided for any damage to or loss of the seized property (including gold ornaments, mobile phones, wallets, cash, etc.)

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## **POLICE COMPLAINTS AUTHORITY**

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- Initiate inquiry against the police action on April 18 and 19, which was marked by assault against innocent civilians leading to grievous hurt, as well as the arrest and illegal detention of workers, and their subsequent custodial torture- all of which amounts to serious misconduct as defined in Section 20C of the Karnataka Police Act, 1963.
- Initiate inquiry against the police action on April 18 and 19, which includes the unlawful breaking of a peaceful assembly, continuing torture in police custody, and filing of false FIRs for harassment, - all of which amounts to misconduct as defined in Section 20C of the Karnataka Police Act, 1963.

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## **DEPARTMENT OF LABOUR, KARNATAKA**

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- Revision of minimum wages to ensure proper and fair wages
- Audits and checks by the Brands as well as Labour Department of the Government, should be conducted regularly and must include inspection of facilities and the running of provided

at the factory such as – canteen, rest room for women, medical support room, creche for children of workers, transport needs of workers, sanitation and drinking water.

- A Living Wage tribunal must be immediately constituted for the garment industry by the State to curb the exploitative financial practices of the management, such as extracting unpaid work, often beyond the working hours, and not accounting for this extra work, overtime without compensation—all of which is in fact nothing but wage theft; arbitrary sanction and withholding of increments; denial of promotion, denial of performance-based bonus, delayed payment of salary, and so on.
- Underlying the exploitation and harassment of women in the garment industry is the fact that rural distress and decreasing of agricultural work is driving more and more women in rural areas to exploitative work in urban areas. The state needs to address this fundamental economic issue and create conditions for women workers to make a dignified choice regarding where they want to take up employment.
- The State Nodal Authority set up as per provisions of Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act 2013 must form a special cell to address the issue in Garment Industry on a regular basis. The Authority must ensure proper functioning of the Grievance Committees in each workplace – especially regarding the selection of outside independent member, awareness and reach to the grievance process to all women employees in the factory at all levels and regular meetings, reporting etc.
- The State must upgrade ESI facilities provided for workers by ensuring up to date diagnostic and treatment facilities. The ESI hospitals must be inspected regularly by the Health Department as well as the Labour Department, to ensure staff attendance and extension of services to the workers.
- Ensuring that factory does not practice unfair labour practices and take action against factories and establishments that threaten union activities.
- Ensure the provision of profit sharing bonus to all workers in garment factories.

(The above recommendations have been taken from the report *Production of Torture*, concerning working conditions and harassment in garment factories in Bangalore)



## ANNEXURE-A: TESTIMONIES

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### INDIVIDUAL WORKER TESTIMONIES

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***Mr. Ratan***

***Age: 19 years***

***Occupation: Apprentice/Student***

***Area: Peenya***

Ratan was asked to leave the office on April 19<sup>th</sup> at around 12.15 pm on Tuesday, on account of the protests by garment workers in various areas in and around Bangalore city. He headed to his room, which is near Dasarahalli on the Tumkur Highway, where he was living with five other boys. Around 3.30-4 pm, the police came to the room where Ratan was living and took all of his roommates, including him, to the police station for “verification”. It was said that about 25-30 boys from four rooms on the same floor as Ratan’s were taken by the police in a vehicle to Peenya police station.

Ratan said he was not participating in the protest and that when he was walking from his office to his room, he passed by the area of protest. He said that the police broke open his door to take the boys to the police station. In the police station, everyone was beaten up by police officers ruthlessly. They were produced before a Magistrate on April 20<sup>th</sup> (Wednesday) at 6 pm, while the FIR was registered to be for April 19<sup>th</sup> (Tuesday), 12.30 pm. (An FIR was registered even before they were arrested, and they were produced before a Magistrate post 24-hours.) The Magistrate did not ask anyone if they were beaten in custody, and, in fact, was indifferent to all those arrested. The Judge said to them when someone began to narrate what happened to them in custody that they are talking too much when they are in Court, and that one might wonder how they were during the protest. Ratan said that there was a separate room for all those arrested during the protest, where about 60 to 80 of them were put in one single room.

It was also said that Ratan had punched in to his company system for attendance, before he was asked to go home. So, there's proof that he wasn't present at the protest or caused vandalism, in spite of which, he was arrested and tortured in custody.

Ratan's mother pleaded before the Court to grant him an interim bail for an exam he had to appear for on April 25<sup>th</sup>, but the Judge denied him bail because he was charged with Section 307 of IPC. Ratan finally got out on bail on April 30<sup>th</sup>, whereas the rest of them arrested with him were released between April 29<sup>th</sup> to June 1<sup>st</sup>.

***Mrs. Sarojamma***

***Age: 40 years***

***Occupation: Garment worker***

***Area: Jalahalli Cross, Peenya***

Mrs. Sarojamma works with a garment factory at Jalahalli Cross, in Peenya. She was at work on Tuesday, when they came to know of the protests and they were scared to go out of the factory, for they learnt of the police brutality in the protests. The company asked them to punch in (for attendance) and leave the premises. When they got out of the factory, she saw that bus commuters were being asked to alight, due to the heavy traffic jam. On the urging of her colleagues, she participated in the protest by sitting-in on the road. She was suffering from low blood-pressure, and hence was sitting down in the peaceful protest. As the police began lathi-charging, the men workers pushed women workers in front, so the police would stop beating, which did not (unfortunately) stop the police from lathi-charging them. Then people began to pelt stones, in which Sarojamma got hurt on her left knee. Someone also flung a stone at her, which fell on her left eyebrow and she began bleeding. She then started walking home, hurt and clutching the stone that fell on her eyebrow. As she was suffering from low BP and weak from the wounds, she was walking slowly, when someone grabbed the stone out of her hand. She said that there was a video grab of this (when someone snatched the stone out of her hand) and that was the reason for her arrest. She is sure of this as the police played the video grab to her in the police station while beating her up in custody.

After going home, she was going about her household chores, when the police, at 6 pm, came to her house asking for her son Mr. Shashidhar. Shashidhar, who had just come back in town that day, was

surprised to find the police at his house asking him to get into the police van for participating in the protest and causing vandalism. Shashidhar told the fact-finding team that the police knew all his details, about his college, etc. when they approached them. As Sarojamma's husband is a heart-patient, he could not come out of the house to speak to the police. She was scared when the police came to the house asking for her son. But then, all of a sudden, when the police came to know that she is a garment worker, they called the ladies' police and arrested her. She said that the ladies' police entered her room when she was changing clothes to go to the police station and did not allow her to wear her clothes properly.

In the police station, Sarojamma was shown videos of the protest, including the video grab of her, and asked to identify other workers in the protest. She refused to identify them and denied that she knew anyone in the video. She later became unconscious and then one police constable called Shwetha gave her some water. Sarojamma was also privately detained in Paraspara, an NGO. She was released after two or three days of being in detention, on bail.

Sarojamma also told the fact-finding team that the police van was patrolling her neighbourhood all day, on the day of her protest. She said that her neighbourhood is where many garment workers live. But, not just garment workers, but other people were also arrested by the police on the day and the following days.

She is still living in fear for herself, her unwell husband and her son, whose education is most important for her and at stake thanks to the police.

***Mr. Prasad***

***Age: NA***

***Occupation: Supervisor in a garment factory***

***Area: Bommanahalli***

Mr. Prasad didn't take part in the strike on the first day though other workers came to his office and urged them to join. On the second day, workers working under him spoke to the Manager and expressed their interest to join the strike. After this, they proceeded to join the strike but he decided not to go because his wife was pregnant and had to go back home.

As they were getting out, he noticed that the police had already assembled outside his factory and were video-recording. As they came on to the main road, he also noticed that many workers were getting lathi-charged. Many were bleeding and were in a critical condition, but no medical help was being provided. Women were being beaten up by male police officers and even bystanders were getting lathi-charged.

As he was trying to help the injured workers, some members of the press came to him and asked him for his opinion about the strike. He made a statement that workers were merely expressing their outrage and the police were using excessive force against them. He also mentioned how even bystanders were beaten up and questioned why this was happening. This was broadcasted live. Within a couple of hours, eight policemen found him, showed him the footage and started beating him up for making those statements. Thereafter, he was taken to the police station where he was beaten up more. He also saw women being beaten up in the police station by male officers. The police officers used all kinds of verbal abuse, directed at his mother and wife. They didn't let him speak to or inform his family and continued to beat him in intervals. His injuries were so grave that he couldn't use his hands even to eat, for almost a week. He couldn't fold his legs or hands for a week. In spite of repeatedly asking for medical help, none was provided to him. Before taking them to the Magistrate, they took them to the hospital just to follow procedure, no help was provided. Though he wanted to tell the Magistrate about the abuse, he couldn't, as the police officers standing behind kept prodding him threateningly. The Magistrate didn't even ask him whether he was subjected to abuse. He also couldn't say anything as he was surrounded by the same officers who beat him during his production in front of the Magistrate.

He claimed that because he made a statement to the Press, he was victimised this way. Though he initially had decided not to take part in the strike, how could he have kept quiet on seeing other workers getting beaten up?

***Mrs. Gangavati***

***Age: NA***

***Occupation: Garment worker***

***Area: Peenya***

She has been working in the garment industry for 12 years, and was being paid Rs. 55 a day. Now, I am paid Rs. 300 a day. Before the protests took place, they had approached the management regarding the change in PF policy, but didn't get any responses from them. On day two of the protest, about 1,000 of them assembled close to the highway and started moving towards the highway. More workers joined them by the time they reached the highway. The police were already present there. They sat down and blocked the road at around 1 pm. The police, all male, started assaulting them at 1.30 pm. When one of the women workers was being dragged by a male officer, they surrounded him after which he let go of her and backed off.

Two days after the protest, three workers were picked up from her factory by the police. One came back within an hour, the other two were beaten up pretty badly.

***Mrs. Savitha***

***Age: NA***

***Occupation: Garment worker***

***Area: Peenya***

Before the strike, the HR Department of our factory called for a meeting and told them not to worry about the change in PF policy. They told them that it's being looked into and that they shouldn't get agitated about this.

On the day of the strike, the management instructed them to leave the premises by 10.30 am. When they came out of the factory, they noticed that the roads were swamped with workers and police. From her factory, they proceeded to another factory where they requested workers to join them. After this while, they were walking towards the main road, when a police officer tried attacking her

with a lathi. She resisted and held on to the lathi. Other workers surrounded her and the police officer backed off. They then proceeded to Jalahalli Cross and started their peaceful dharna.

After this, she and another worker decided to head back home. As they were walking back, the same police officer who had tried to accost her a while ago saw her and charged towards her with his lathi. A woman constable then approached her and told her to wait in a police van under the pretense that there is too much violence on the main road. But she was taken by surprise when she was taken to the Peenya Police Station. She was made to sit there for hours, while being subjected to both physical and verbal abuse with sexual slurs. While she was there, workers were brought in every few hours and were beaten up brutally right in front of her.

After this, she and the other female workers who were arrested were taken to an NGO home where they were made to stay the night. The police then produced them in front of a Magistrate only at 9 pm the next day, though she was arrested at around 12 pm, the previous day. When she told this to the Magistrate, the Judge didn't make a note of it or say anything about it. After that, she along with Mrs. DEF and another worker were taken to Parapana Agrahara Central Jail.

***Mr. Ganesh***

***Age: 36 years***

***Occupation: Works in a garment factory***

***Area: Dasarahalli, Peenya***

He is employed in a unit in Peenya and works in the second shift, starting at 3 pm. He states that no one in his factory really discussed the PF issue.

On the first day of the protests he was called on the phone and informed that the factory was closed. The first shift of workers (around 1,000) had decided to go home. At around 1 pm, he went to see what was going on. Around 2.30-3.00 pm, he went to Dasarahalli. He spoke for five minutes to the workers on the road, and then planned to go home.

He states that a friend, who worked in the same shift, was arrested at 11 pm. His friend was forced by the police to name 10 other people, and so he was also falsely implicated and taken into custody. From his factory, two others were arrested, one during the protest and the other from his home.

He also told us that he was beaten severely by the police with a lathi, who demanded that he name more workers. An FIR has been registered under Section 307 of the IPC.

He is not even a beneficiary of Provident Fund.

***Mr. Mahesh***

***Age: 29 years***

***Occupation: Worker in a garment factory***

***Area: Bommanahalli***

He is employed in a unit in Bommanahalli that employs around 2,000 workers. They were aware of the PF issue for about two months. According to him, on the first day of the protests, workers from other factories barged into his factory premises and told them all to join the protest. They also got the factory locked. The management also told the workers to go and join the protest.

He relates that workers who were outside protesting encouraged them to join the protest and explained the PF issue to them in detail. He related how workers, including women workers, sat on the Hosur Main Road for around 2 hours, from around 11:30 to 1:30pm. He made it clear to us that the workers did make way when an ambulance needed to pass. At this time, only few members of the crime branch were present, and they only took videos of the protest.

Around 1.30 pm, he estimates that around 50 police officers were deployed to lathi-charge and clear the area. He was standing next to a wall on the side when a policeman came towards him to beat him with a lathi. He caught the lathi before it hit him, and so the police yanked it forcefully, causing him to fall. When he was lying on the ground, many police officers beat him. His head started bleeding profusely. His friends came to help him and requested the police to allow them to take him to the hospital. However, they refused and dragged and threw him into the van, telling his friends

that they didn't care if he died. He was almost unconscious at this time. His friends were afraid of coming forward again because they didn't want to be arrested as well.

According to him, violence only began once the police started to beat female workers. He says that the male workers tried to prevent this, and that is why the stone and slipper throwing began. However, he clarifies that this was thrown only on the road, and not aimed at buildings, and that the police threw these back at the workers. The police also used tear gas.

He says that he saw no female police officers throughout. Only towards the end, he saw two female officers. He related to us that the police were indiscriminately arresting whoever they saw. They allegedly arrested an old man who was just sleeping in his home nearby.

He states that he saw only two women who had been arrested. They were verbally abused to such an extent in the station that he refused to even relate the kind of language used against these two women workers. He also related the immense custodial violence that he faced. His hands were beaten so badly that he was not able to work for a month, and he is still unable to clench his fist completely. If they opened their mouths at all in the station to ask for anything, they were beaten. They were not allowed to call anyone. He also said that every time a new officer started his duty, he would subject them to a fresh round of beating.

They were also shown photos and videos of the protest, and beaten till they identified workers in these photos or videos. When any of them tried to say that they were only protesting their rights, and asked who had complained, they were told that 30,000 members of the public had complained against them and hence they were arrested.

While he was arrested at around 2.00 pm, he was produced only that night, and was told to tell the judge that he was arrested only late that night. He relates that before they were produced before the magistrate, they were warned not to relate any of the violence they faced, or else they would be locked up for 10 years in prison. An FIR has been registered under Section 307, 427 and 353 IPC.

He feels that because of their protests, the Government finally took action. If not, the poor would continue to get beaten. He believes that his going to jail and getting beaten brutally has benefitted thousands of families. However, the migrant workers from Orissa are still too scared to talk.



Subsequent to his release, he was made to do overtime work to compensate for the work missed during the protests and was made to work on the Sundays.

***Mr. Rathnakumar***

***Age: 28 years***

***Occupation: Mechanic in a garment factory***

***Area: Bommanahalli***

He is also employed in a unit in Bommanahalli. He says that the protests erupted because everyone felt the need to press the PF issue. On the first day, some factories closed in the first shift itself. Once it started in one factory the others also joined in. However, most of the migrant workers were locked in the hostel and not allowed to join. He observed that the factory management made a note of those who refused to work that day.

He has been named in three FIRs.

***Mr. Suresh***

***Age: 30 years***

***Occupation: Mechanic in a garment factory***

***Area: Bommanahalli/Madiwala***

He has joined a factory in Madiwala 1-2 months before the protests. As he was not a beneficiary of the provident fund scheme, he did not go for the strike. On the second day of the strike, he went to work and found out that the factory was closed. As he was on his way home around 11-11:30am, the police came to arrest a worker who had just left with him, and so he was arrested as well.

Though he was arrested in the morning the police version is that he was arrested on the previous night. During his detention he was severely beaten by the police. When he raised any questions, he was beaten with a lathi in response. He was also verbally abused with filthy language. While all those

arrested in connection with the protests were severely beaten, he says that “regular offenders” were treated very well.

He narrated the lingo used by the police for custodial torture – whenever they were asked if they had eaten, and they responded no, they were beaten. This euphemism was confirmed by other workers.

He says that all of his belongings that were on him at the time of his arrest have still not been returned to him, and he fears that if he asks for them he will be beaten again. He was also produced only at night. Only people who were able to pay at least Rs. 30,000 as fees were granted bail. When he was first granted bail in one crime number, a body warrant was immediately issued in the other and he was forced back into custody. He states that the moment he was finally granted bail, he was warned by the police to leave Bangalore immediately. He was called a ‘rowdy sheeter’ and told that more cases would be put on him, as they all deserved to suffer for what they’ve done.

He related to us the story of two brothers, whose lives were ruined in the protests. The younger brother was involved in some of the violence; however, the older brother was arrested. The younger brother was unable to bare subjecting his brother to arrest, and so he committed suicide. The older brother was brought in chains to see his brother’s body, after paying around Rs. 13,000 for the conveyance of the protecting officers, including buying them alcohol and mutton.

***Mr. Prakash***

***Age: 22 years***

***Occupation: Mechanic at a garment factory***

***Area: Bommanahalli***

He related to the fact-finding team that he was a part of the protests near Bommanahalli. According to him, violence only broke out once the male police officers started beating the women workers.

While the protests took place on Monday and Tuesday, he was arrested on Friday evening from his place of employment. The police had either a photo or a video of him holding a stone during the protest. However, he was produced before the Magistrate only on Sunday. On both Friday and Saturday, he along with another employee from his factory were kept in lockup.

He states that the police officers who had apparently been injured in the protests were not actually injured, and that anytime a senior police officer came they would quickly put on bandages.

He was finally enlarged on bail on the May 4<sup>th</sup>, 2016.

***Mr. Santosh***

***Age: 23 years***

***Occupation: Mechanic at a garment factory***

***Area: Bommanahalli***

He states that the protest first started from workers in one factory. These workers made the other workers join the protest. The police lathi-charged them on Monday. He alleges that empty ambulances were driven through the crowd to trick them into stopping the protest. He also stated that the police brutally beat women workers. He was beaten on his head and legs until he fell. Finally, other workers quickly took him home.

He was arrested on Saturday at 12pm. The police had a video of him. Cloth was stuffed in their mouth and they were beaten brutally and verbally abused in the police station. They were all made to strip and sleep in their underwear in the station. They were beaten again the next morning. The police would play the news clips of the protest while beating them. He was tied up with ropes and beaten (this is referred to as a 'Bombay cut'). He related that a fellow detainee had over 68 wounds, and is still unable to walk.

He was taken for a medical examination around 4pm on Sunday. The doctors did not ask anything about his wounds. He was granted bail only on the 10<sup>th</sup>.

He alleges that a lot of workers have faced sever issues with the factory management after coming back to work. Some have been removed from work. He also states that in one area a factory manager was encouraging the police to lathi charge the workers.

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## **GROUP DISCUSSIONS WITH GARMENT WORKERS, JUNE 1<sup>ST</sup>, BOMMANAHALLI**

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The fact-finding team spoke to female workers working in garment factories around Bommanahalli for the past three to five years. Collectively, they described to us the events that transpired before and after the protests as follows:

On February 10<sup>th</sup>, they found out from the newspapers that the Government was changing the provisions of the Provident Fund. Everyone in their units were talking about it. They used to discuss it amongst themselves at lunch time. One of the women was not even in Bangalore at the time of the announcement, and was called by her colleague and told of the changes. They refer to the changed PF as 'single PF', wherein they can withdraw only one part of the contribution. This was challenging as this delay would greatly affect their lives and they would have no recourse in case of an emergency.

Across units, workers who had a longer service in the unit were deputed to speak to the management and get clarifications. The women who asked the management for clarification were new employees, and were treated rudely by the management. One of the women approached the factory management and asked for a clarification as she had many years of service. She approached the Floor Manager, who called the HR Manager. He explained to her that her money would not be touched, but would finally come to her family itself. When the management asked how she had heard about this, she informed him that all the women in the factory were talking about it and they were all very scared. He told her not to worry, but also warned her that resigning would not give her the previous 'double PF'.

Most workers wanted to resign around this time wanted to resign before the change came into force as they needed the money. However, no one took immediate action. In their factories they used to discuss what updates they got through the news. Some people discussed quitting, but the management seemed unperturbed and told them not to discuss. None of these women asked for a clarification from any of the unions.

One woman told us that on the first day of the protest, she went to work in the morning. Around 10.30 am, the supervisor told everyone to leave. When they asked why, the supervisor said that he didn't know but the management had asked him to send them all and that they were getting three days of holiday. Police were present outside the unit, but they merely pushed the workers to leave and didn't say anything else.

Another woman related that the same had happened in her unit. There was no discussion amongst the workers, but they all knew what was going on and were scared because they did not know the details. In fact, even on April 18<sup>th</sup>, the management of her unit had been telling them that everything that they had heard was lies, and that as they had no way of knowing what would happen, they should keep working and hope that they'll get 'double PF'. However, none of the workers believed this.

When they saw the newspaper articles confirming the change, a lot of workers resigned immediately to try to avail their 'double PF'. Even people with years of service had resigned, and they still have not come back. They need to wait three months before joining.

In a few areas where unions were active, a signature campaign was printed on the April 17<sup>th</sup>. In these areas, workers used to meet and discuss about the issue and ask what the plan of action was.

Once they saw in the newspaper on April 18<sup>th</sup>, they believed that the change in PF was real and would happen. Workers from other units came to theirs and asked them to join in – which otherwise they wouldn't have. They had not received news of the protest before, but realised that they all needed to go together. They joined the protests around 11.00 am. Some supervisors of a few units also joined in. The police started the lathi-charge only around 3.00 pm, mainly because a traffic jam had been caused. The workers retaliated with violence only after the police started the lathi-charge.

None of them know which factory or union started the protests. It spread because workers of some unit got into a fight with workers of other unions and told them to join, otherwise they would start throwing stones. These workers succeeded in breaking a unit shutter so that workers from that unit could join.

Subsequent to the protests, the BJP Corporator of the area put up banners announcing that the changes had been revoked, which is how they learnt about the Central Government's move.

For three days following the protest, police were at all the factories. This included both male and female police officers. The police stood at the sentry point and told them all to work. They also made a note of who came and went. In this way they arrested three women workers, and verbally abused them.

When asked about the difficulty in getting bail, they told us that one person had already paid fees of around Rs. 50,000 to get released. In another factory, the supervisor collected around Rs. 30,000 from the unit workers and gave it to the lawyer of a boy who had been arrested. A lot of workers have faced great difficulty in getting released, including those who are members of unions. They related that when family and friends of those arrested came to the police station, they were sent from one station to the other stating that the arrested worker was in another station. Even women were kept this way.

Now that they have gone back to work, they have been asked to work on three Sundays to make up for those days that they lost during the protest.

The fact-finding team asked them why the PF struggle had gained such relevance over all others and had resulted in this struggle. Their answer was that they had to strike because of the 'single PF' and they could not suffer the delay of so many years to get the full ('double PF' amount). Garment workers wait for five years for the PF settlement to manage their funds which they desperately need for their household expenses, children's education, weddings, etc. They continue in these jobs only for this reason, and that is why there was so much fear caused by this change. A lot of the workers from Bommanahalli are from different places, Tamil Nadu, Bellary, Kollegalla, Andhra Pradesh, Bihar, Orissa – and they've all come here only for this. Without this PF amount, they will not be able to manage their basic life expenses. They are left helpless as all their plans will have failed.

While they agree, and say that others do also, that the strike and its outcome was good, they are scared and would not be willing to go on strike again. The police have been catching everyone because of CCTV cameras everywhere. They are personally not ready to go on strike on other issues.

With regard to the role of the unions, they state that they have started attending a few meetings. However, this has resulted in heavy backlash, and the management is constantly changing their shifts to torture them.

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## UNION TESTIMONIES

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### *JAYARAM, LEGAL ADVISOR, GATWU*

#### *THE PF ISSUE: ITS HISTORY*

The PF scheme was introduced at the national level in 1952, according to which the employer contribution and the employee contribution was pegged at 3% and 4%, respectively. The employee could get access to the employer's contribution only after five years of service. Later an amendment was made and Family Pension and PF-linked insurance were added. Family Pension was provided only in case of the worker's death to the family. Additionally, six months of the employee's last pay drawn, subject to maximum of Rs. 60,000, was given as insurance. Under this amendment, 2.67% from the employer's contribution went towards the Family Pension, and 0.5% went towards insurance. After retirement, the entire amount, minus the contribution towards insurance fund, was given.

This scheme was in force from 1956 to 1995, when a new amendment came into force, under which a new Pension Scheme was introduced: the employer's contribution to the new Pension Fund went up to 8.33% and 3.67% went to the employee's PF. The salary deduction (employee's contribution), which had initially been 4% (approximately) gradually went up to 12%. There were some conditionalities too: 1. After 10 years of service, 8.33% of the employee's contribution goes to the Pension Fund. In case the employee leaves service before 10 years, s/he gets only what they've contributed till then. 2. Reduced pension at 50 years of age (i.e. in case of voluntary retirement) is 80%, and the employee gets the full pension only after reaching retirement age (58 years). The rationale of the new pension scheme was that it would provide long-term security to the employee and deter the employee from mispending the amount by taking frequent loans. (Since last March, minimum pension has been pegged at Rs. 1,000, earlier it was Rs. 600.) In fact, the PF formula (no. of years of service multiplied by pensionable salary, subject to a maximum of Rs. 50,000 and divided by 70) works to the financial disadvantage of the employees since their monthly contribution towards pension, which doesn't attract any interest, would have earned a much higher rate of return in the savings account.

The new notification of 1995 elicited a huge wave of protest among garment workers in Bangalore, comparable to the recent protest. About 75,000 workers (entirely non-unionized) came out in Peenya to protest against the new Pension Scheme, in place of the old PF scheme. The workers were unanimous that the Pension Scheme should be scrapped and only PF should be in place. (In fact, Jayaram himself didn't join the protest because he thought the pension scheme was a good one—this was partly because he himself planned to work till the age of retirement. Looking back, he feels the workers' protest was right, and his stance was the wrong one.) The 1995 protest, like the recent one, was the result of persistent campaigning by Supervisors, who were facing the same problems as garment workers, and who provoked workers to protest by saying that it'd be only a single contribution, not a double one. Traffic was completely blocked from Yeshwantpur to Peenya. But, it was only a day's protest and petered out soon.

#### *THE NOTIFICATION OF FEBRUARY 2016:*

To understand the true import of this notification, we need to see it as part of the government's long-term strategy to divert a part of the huge PF fund (estimated to be about Rs. 9 lakh crore in 2013-14) accumulated over the years to the share market for earning a profit. Accordingly, as per newspaper reports, the then government invested Rs. 7,000 crore of PF money in the share market in 2013-14, but due to share market fluctuations, the government was able to recoup only Rs. 5,000 crore, suffering a loss of Rs. 2,000 crore. This loss was, of course, borne by the PF investor, i.e., the employee, since investment of the PF fund (unlike the LIC's share market investments) cannot be backed by government guarantee (the government is not constitutionally empowered to do so).

Another factor contributing to the financial difficulties of the government was the steady decline in per capita savings by the people since the government in recent years brought down rates of interest (effectively to 5%, if you factor in income tax, cess, etc.) in various savings schemes in public sector banks and post offices.

To recoup these losses, the Modi government decided in February 2016 to amend the PF rules to place various restrictions on PF withdrawal: 1. Employer's contribution could not be withdrawn till the retirement age of 58 years (earlier it was 10 years of service); 2. an unmarried girl leaving service can avail of this PF amount, but only after giving an affidavit stating that she won't take up employment, and that she was withdrawing the amount only to get married or in order to settle



abroad. 3. 3.67% of the employer's contribution (a negligible amount) could be withdrawn in case of major diseases, or constructing a house.

### *THE AFTERMATH OF THE NOTIFICATION*

From Feb. 10 onwards, workers increasingly came to be aware of the import of the notification. Generally, on an average day, 10 workers leave a factory and 10 workers join the factory. On leaving service, the worker takes the application, filled up and countersigned by the management, to the local PF office. Now the staff at the PF were telling them that they would from now on get only their own contribution, not the employer's. The workers got panicky and contacted fellow workers in their factory as well as their former colleagues working in other factories. News of this development spread rapidly. The workers approached us with this news. The notification was issued in the Government Gazette, and hadn't come to anyone's notice, not even the unions. (GATWU had been issuing *Sooji Daara*, a bi-monthly periodical to acquaint their members of this and other significant developments. Every year we print about 50,000 copies of pamphlets on wage increases, and other notifications and distribute them on important occasions, such as March Day, May Day, etc.)

Our members went back to their factory and discussed the government notification with their fellow employees, who then went to their Supervisors, who told them about the single contribution. On hearing of the notification, we contacted NTUI at the national level who in turn contacted all other unions. The unions found out that the notification had been issued without any consultation with their representatives in the national PF consultation committee. Still, unions weren't much concerned about this development since it doesn't affect organized workers, a majority of whom don't leave service in mid-stream, unlike the unorganized work force. We were told by the NTUI leadership to take the initiative in Bangalore and start a signature campaign. We printed a pamphlet (50,000 copies) on this around April 5<sup>th</sup>, and started a campaign to collect 1 lakh signatures. We had collected about 1,000 signatures when we were suddenly overtaken by the events of April 18<sup>th</sup> and 19<sup>th</sup>. By this time, workers had fully become aware of this notification and were agitated and itching for action. Textport workers approached us and wanted us to organize a protest.

From March, when we first got to know about the notification, we had started making plans to organize a series of events till May 1<sup>st</sup>, but the article appearing in *Vijay Karnataka* foiled our plans

and took the situation out of control. The article called upon workers to urgently withdraw their PF money, otherwise they'd have to wait till 58 years.

On April 18<sup>th</sup>, 4,500 workers walked out of Shahi Exports factory in Maddur, and we joined them too. At 9.30 am, we blocked Hejjaligere Industrial Area in Maddur on the Mysore-Bangalore highway. News of this strike spread to other units of Shahi Exports (there are 45 units of this company in Karnataka, employing 45,000 workers). Unit 14, Shahi Exports in Bommanahalli was the first factory in Bangalore where workers came out, and marched, pulling out workers from Unit 3, Jockey Exports, K. Mohan and other small factories on this road. About 15,000 to 20,000 workers collected in Bommanahalli, entirely leaderless. All this was possible because of WhatsApp and cell phone through which messages could be easily passed around.

On Mysore Road, nearly 3000 workers came out of Shalini, Storey, and HPF factories on to Mysore Road. Traffic from Satellite bus stand to Sirsi Circle was completely blocked from 9 am to 4 pm. DCP West of Upparpet Police Station, Ajay Hillori told his officers not to lathi-charge the workers and let the protesters continue till 4 pm.

Maddur: Traffic was blocked as 4,000 to 5,000 workers marched from Maddur to Chennapatna. DC, SP, Mandya, ACP, and Tahsildar were present throughout and ensured peace.

On April 19<sup>th</sup>, there was a peaceful protest in Ramanagara, without blocking traffic. Nearly 2,000 workers joined the rally.

On April 18<sup>th</sup>, I talked to Bandaru Dattatreya and told him that we won't stop the strike till the notification is withdrawn. On April 19<sup>th</sup>, the labour minister announced to the media the complete withdrawal of the ordinance. Our representatives in Delhi contacted officials, and on April 22<sup>nd</sup>, the new notification about withdrawal was announced in the government gazette.

The protest action resulted in a production loss of three days of production. The top management was unaware of the notification and were indifferent to it since it didn't affect their finances at all.

#### *NO CONTINUITY OF SERVICE IN GARMENT INDUSTRY*

There are a negligible number of garment workers who work till the age of retirement. Reasons: low wages, intolerable work conditions, and women as sole earners who depend on PF to meet the shortfall in their earnings, and family exigencies. 50% of garment workers leave service before five

years, a smaller number leave after five years. When leaving, they withdraw all the PF money to spend, in most cases, on their daughter's wedding. All members of the family (including husband, wife, and their daughter) take up work to save for a marriage, and they all leave service when marriage takes place, and afterwards, take up employment in other factories. As the factories spread outwards towards rural areas, workers have been leaving Bangalore in a process of reverse migration, to take up work in their villages and nearby areas.

Women garment workers regularly withdraw money from PF because of risks with PF (see above) as well as bureaucratic hassles with their PF accounts. In fact, unorganized workers in the long term don't want any social security measures like PF and pensions, also because of the low returns under these schemes, except for the fact that PF is a compulsory scheme. If the PF scheme were to be withdrawn by the government, the management would likely increase their daily salary to Rs. 500 (which a piece worker in this industry is already getting, albeit without any other benefits). This increase in salary to a tolerable level will obviate the present acute dependence on the PF.

### ***YASHODA, MEMBER OF GLU***

#### *DEVELOPMENTS FROM FEBRUARY 10<sup>TH</sup> TO APRIL 19<sup>TH</sup>*

Our Peenya union office has been conducting gate monthly meetings outside different factories to mobilise workers, as well as conducting leadership training programs and other trainings to familiarize workers on matters such as PAN card, 15-G for those earning higher salaries; tax on PF; PF single contribution and so on. Our strength has been our field-level reach. On the PF issue arising after February 10<sup>th</sup>, we kept visiting the PF office where we were told that we'd be kept informed of the notification.

On April 16<sup>th</sup>, brief articles on the issue appeared in *Vijayavani*, *Vijay Karnataka*, and *Kannada Prabha*. I was worried, but we tried to see the change in PF in a positive light about how it could be used to promote worker security, while at the same time fighting for increasing worker salary. But we couldn't foresee that the issue would assume explosive dimensions so soon.

On April 18<sup>th</sup>, the protest started suddenly in Bommanahalli, Hongesandra and neighboring areas, in the factories of Shahi Exports, K Mohan, and Jockey Exports. We were told by our member workers that they'd come out of the factory into the street. They all wanted to march to the PF office and stage a protest. But the crowd of protesters swelled to 20,000, and the entire road was jammed, making it impossible to proceed any further. Workers got busy on WhatsApp contacting other factory workers that they knew in other areas of the city. The media also became quite active and relayed instant messages and visuals. Workers from 7-10 factories called us and wanted us to join the strike, but due to the weakness of one of the unions, we couldn't take up the strike. However, we definitely wanted to stage strikes at the factory gates. Finally, our workers at Bombay Rayon factory blocked the road. We advised them to go to different factories and ask others to join the strike. We also told them not to indulge in stone throwing. Accordingly, 10,000-15,000 workers from different factories came and blocked Tumkur Road at various points. The strike was over by 1.30-2 pm. A lot of workers were injured in the lathi-charge. We got them admitted to ESI hospital and Prashant Hospital (which wanted to charge the workers for treatment, but our union refused). Hospital doctors gave medical assistance but did not provide MLC.

In Peenya Police Station, 125 workers (including six women workers) were arrested, in Rajagopal Nagar 25 workers, and in RMC Layout another 25. The Rajagopal Police Station refused to give us FIR copies.

Our information is that stone throwing was carried out largely by pro-Kannada activists since visual footage shows their flags among the stone throwers.

In one factory, the management arranged bail for a worker who was arrested two days after the event, but this was done under pressure.

#### *THE PF ISSUE:*

The uproar about change in PF is entirely due to their abysmally low wages, which compels the workers to build up huge loans even for regular family expenditure. Marriages are also another factor. To our knowledge, no workers stay longer than 5-7 years in a factory; also job security is very low with the management resorting to firing workers on the slightest pretext.

In many cases, workers don't have proper documents (PAN card, bank account particulars, etc.) of their own, and they end up with their PF account in the name of somebody else (e.g. one of their relatives). A lot of workers forgo their PF dues because of mismanaging their PF accounts.

A lot of workers submitted their resignations after the April strike even after the withdrawal of the notification.

During the protests, many managements allowed workers to take part in the strike because it was a PF issue, which didn't concern them. But if the workers had struck work for better wages or better working conditions, they wouldn't have been so cooperative.

There was very little trouble on Mysore Road because the number of workers in this area is much less; also, the local MLA Laxminarayana is from BJP to whom workers go regularly for help. On this occasion, he advised them to go back to work.

### *GLU'S WORK*

Our major area of work is the issue of sexual harassment. We've done a survey on this. We've also worked on the proper management of crèches in factories as well as on the need for community crèches. We're trying to start one such crèche in Laggere. Regarding the Sexual Harassment Act, 2013, we've filed RTIs with the Women's Commission and the DC's office about formation of sexual harassment committees.

GLU was registered in 2012, and 2,000 workers are registered with us. After the strike, there's more interest in joining unions. Many workers may have felt intimidated after the police violence, but those who actively took part in the strike are furious, not afraid, and are determined to continue their struggle. The activists in the protest were supervisors, experienced tailors, and quality checkers, who took responsibility to mobilize workers for the strike.

### *PROBLEMS OF UNIONIZATION*

Women workers are not much aware of unionization since many of them are from rural areas and don't know a thing about what a union is. Central unions also haven't joined in the effort at unionization. We tried unionizing on an extensive scale, but haven't succeeded. We've now selected five factories where we are holding gate meetings and mobilizing workers there. But day-to-day issues haven't been taken up. Collective bargaining is our aim but the management is obstructing it.

*TESTIMONY FROM KGWU*

*(SEBASTIAN, PRESIDENT, KGWU; SWAMY, PRESIDENT; AND USHA,  
COORDINATOR, FEDINA)*

*THE LEAD-UP TO THE PROTEST*

Our union had been seized of the PF issue since January 2016. This was because many factory managements had told the workers that soon it will be a single contribution PF (i.e., till the age of 58 years). This was to induce them to leave their jobs. The BJP government had earlier given alarm signals by reducing the interest rates. So, it was in late January our workers told us about these rumours. They brought the matter to their local factory committee meeting as well as our monthly area committee meeting. We in the union decided to wait since it was still a rumour. We went to the PF office where they confirmed this development and advised us to mobilise our workers to protest against the move.

In the third week of March, some members working in Shahi Exports told us that they'd go on strike the next day itself. I (Sebastian) was alarmed and told them that since it was a nation-wide policy, we should not be hasty. But, the workers were determined to plunge into the strike. Then we convened a gate meeting at Shahi Exports factory where about 200 workers (members as well as other workers) from Shahi and nearby factories came. They were very agitated and worried as well as furious. They asked what guarantee was there that they'd be alive at that age (58); how to track the employer at that time (i.e., not being aware of the fact that the contribution would be deposited in the PF office); that it'd be available not as lump sum, but as staggered pension payments. They were emphatic that they had an immediate need of the full pension right after leaving service.

Our problem was that all along in our meetings with the workers we've been stressing that the PF/pension scheme should be seen as an important long-term social security measure providing stability of employment. In fact, we used to actively discourage them from applying for loans from PF. We also advised them to ensure linking their existing PF account with a new one when they took up new employment. It was difficult to oppose their struggle for PF, so the union decided to take the stand that finally it should be left for the worker to decide when they want to withdraw the PF.

The well-attended March meeting even attracted police attention and they came and inquired from us about the purpose of the meeting. We told them that the meeting was not against the management, but against the new central policy. Some of the workers also wanted to go to the local (Bommanahalli) MLA Suresh Reddy (BJP) seeking his intervention.

On April 17<sup>th</sup> (Sunday), in our executive committee meeting, two of our members from Shahi Exports unit 14 attended, and reiterated their demand for immediate protest and that we should take the lead. But, we were still hesitant to take up leadership of the planned protest on the PF issue, which was felt as a crying need by the workers.

#### *WHY DID THE APRIL 18<sup>TH</sup> PROTEST START FROM SHAHI EXPORTS UNIT 14?*

This company in particular is notorious for its obsession with production targets, and is guilty of severe repression of its workers: worker benefits are denied; workers face a lot of harassment in availing of PF, ESI etc.; CCTV cameras are installed everywhere in the factory; union members are targeted and threatened (though some are co-opted too). There is a pervasive fear gripping the workers.

During February 18<sup>th</sup> and 19<sup>th</sup>, our union was involved with Gokuldas Wales factory, a unit of Gokuldas Images, on Hosur Road. While we felt that the protest involved the larger issue of PF that all established unions should take up, we couldn't approach other unions because we were very busy with Gokuldas Exports. We did speak briefly to Yashoda, GLU, but frankly we didn't have the resources to take leadership on such a large issue.

On April 18<sup>th</sup>, workers from Jockey's early morning shift (6 am to 2 pm) didn't enter the factory gates and staged a protest outside. Supervisors in-charge were also actively involved in the mobilization because they would be doubly affected by the PF notification. Despite their known harassment of workers, supervisors maintain a sort of working relationship with them and gain their confidence in order to extract work from them; workers also see them as a lesser evil in their larger struggle, and hence pay heed to their advice.

### *GARMENT UNIONS AND THE PROTEST*

This was wholly a worker's uprising; unions took a back seat even when the workers asked us to take leadership. We hesitated about the PF issue. In our union executive committee, we took up this issue three times, but we couldn't come to a decision. We were aware of the intense pain and fear of workers, but we couldn't respond properly, except telling them that we should fight for the worker's right to withdraw PF according to their choice. Our union was distracted by the agitation at Gokuldas.

In fact, there is very little mobilisation of garment workers by the four unions in Bangalore—TGWU, GLU, GATWU, and the small union run by Muthappa and Muddappa (the last union does some work in savings and microcredit and is alleged to be corrupt). Our combined membership barely amounts to 10,000 (subscribing members, not active members), with GATWU possibly leading in numbers. KGWU's subscribing membership is about 2,500, but effective membership is 150-200. Our union executive committee is not dynamic, and our member workers attend executive meetings, but don't take the decisions forward. Our work is confined to fire-fighting interventions in individual cases, from which we gain some membership. And it is a fact that there is very little involvement of central trade unions in this industry.

### *AFTERMATH OF 18<sup>TH</sup> AND 19<sup>TH</sup> PROTEST*

After April 18<sup>th</sup> and 19<sup>th</sup>, many workers from Shahi Exports have told us that they are not afraid of police repression, and will continue to protest. After the strike, the police tried to intimidate workers in the Shahi factory but the workers protested to the management against the police harassment, and the police actions stopped. The only workers who are still afraid are those who indulged in stone throwing and fled the city as well as families of those workers who were sent to jail.

We met the Police Commissioner on April 28<sup>th</sup>, and he told us that 347 people were arrested on the two days in April, of whom 54 were non-workers; none of the women workers in the protest were arrested. About 100 were arrested on the first day, and a considerably larger number on the second day. There was no police action in the morning, and in fact, the police were talking to the workers. Around 1.30 pm, the police carried out the lathi-charge.



Jai Karnataka, a pro-Kannada organization, showed their strength on the second day in order to gain some political credit. The burning of the buildings and buses was done by many young workers, but under instigation by this organization.

***MOHAN MANI, LABOR RESEARCHER ASSISTING GATWU, ON THE RESULTS OF  
A WAGE SURVEY***

In 2015, we conducted with GATWU a Wage Survey of 126 women garment workers in 10 factories in Bangalore. Here are our findings:

1. The garment industry is a low wage sector, and most of the garment workers are women in their 20's and 30's (only 4 in our survey were above the age of 40). We examined their family expenditure, and found that their present salary meets only daily expenses. A garment worker's family spends on an average Rs.834 pm per head on food alone as per current (2015) Consumer Price Index (CPI). In 2013, the Rangarajan Committee (Planning Commission) conducted a similar survey of family expenditure of this class which shows their food expenditure at Rs 829 per head, which the Committee puts in the category of poverty line. Thus, on the basis of this Committee's survey, our garment workers fall squarely in the poverty line.

2. At a higher wage level (at 6% more), family expenditure goes up by only 2%, but health care goes up by 38%, education goes up by 15%. We can infer from this that the women garment workers, at their present level of income, are spending less than what they'd have liked to spend on health and education. They're at what might be called the 'crisis level' of existence. Hence, even with a slight increase in income (6%), their first priority is health care and education. ESI facility is there for their health needs, but how many garment workers actually avail of it? It is quite cumbersome in many ways, and besides, many (though not all) factories don't cover health workers' parents.

3. The government usually explains away the low wages for women workers by arguing that the woman worker's income is secondary (supportive, supplementary), and the husband's the primary income in the family. But, actually, in garment industry, the reverse is true, since the woman's income is crucial, accounting for 50% or more of the family income. Women in the garment industry have social security benefits—ESI, PF, insurance etc.--that their marriage partners don't have. 85% of the husbands of women garment workers work in construction industry, which offers no social security benefits. Besides, such men's work is seasonal, uncertain and insecure (the men bringing Rs 10000, or even more, in some months, and none at other times). The men also spend a

disproportionate amount of their income on themselves (alcohol, eating outside etc.). Hence family savings (in the form of PF) have to come entirely from women garment workers. PF goes towards health, education, and social spending (marriage, special occasions etc.).

4. What is the garment industry's role in all this? Garment industry, in the global supply chain, is in a position to pay much higher wages than now. That goes for the local supplier also, who, despite protestations about how he is being squeezed by the brands (due to intense competition among local suppliers seeking a foot hold in the supply chain) as well as his workers, makes huge profits that enable him to steadily expand his business by opening more and more factory units in the city, and now, in rural areas adjacent to Bangalore. According to our survey, direct labor cost amounts to 1% (e.g., J C Penney shirt) to 3% (e.g., Old Navy jeans) of the Maximum Retail Price (MRP).

All this explains why garment workers went on the protest on 18<sup>th</sup>-19<sup>th</sup> April, for, unlike other formal sector/textile/electronics workers, who have higher wages and higher benefits (housing loans, vehicle allowance etc.) PF is the only source of replenishment of their low wages.

5. As is well known, the turnover of the workforce is very high in this sector. According to our survey, only 20% of garment workers are older than 40 yrs. Most are young, in their 20's and 30's. At that age, they already face family crises (e.g., an older unmarried relative needing help) in their extended families. 87 women workers out of 126 that we surveyed had worked for more than 4 years in the industry, but 75% of this number had changed jobs and worked in different factories due to production torture, unexpected family crises necessitating taking time off from work for short periods. On these occasions, PF is the only source of maintaining yourself when you're out of work.

It is for these 2 main reasons—the essentiality of PF and the rapid turnover in the industry--, that the government notification of Feb, 2016 to release PF after the age of 58 raised a storm of protest.

How did so many women workers come out on to the streets? In the last 10 years, exercising their right to the freedom of association, the garment unions in Bangalore have fought the managements on the issue of unfair labor practices in the factory (harassment of worker, wage/benefits withheld, targeting union workers and so on). This has given the workers in the last 10 years a certain amount of confidence (enough to take their complaints to the union) that they didn't have earlier. Union

intervention has also put some pressure on the global brands to enforce a modicum of standards on their suppliers, and equally, given confidence to workers and some awareness of unions.

The protest strike started in Shahi Exports Unit 14 and in Maddur (according to GATWU, first in Maddur), both of which had seen some union activity in the past. A handful of factories have fought cases of unfair labor practices and won significant victories. But since the time of our wage survey, the major pressure from unions has been on brands, resulting in comparatively less victimisation of workers. Brands have become more conscious of their brand image, and have been putting pressure on managements to become more sensitive to worker concerns. Even brand audits by visiting teams, cursory/token as they often are, have made the workers aware of monitoring of the management by others, and led them to protest against unfair labor practices.

In all factories in Bangalore, PF, ESI, and minimum wages are being duly provided, but in factories outside, like Tiruppur, employee benefits are not always provided. Many garment factories are shifting 100-150 kms from Bangalore. In these factories, worker exploitation is much much more. In Bangalore, about 20% of garment factory workers are earning more than Rs 350 daily, the monthly salary amounting to approx. Rs 9000 pm.

## **ANNEXURE- B: RELEVANT EXTRACTS FROM “STANDARD OPERATING PROCEDURES TO DEAL WITH PUBLIC AGITATIONS WITH NON-LETHAL MEASURES ”**

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In February 2011, the Bureau of Police Research and Development, under the Ministry of Home Affairs, Government of India, released *Standard Operating Procedures to Deal With Public Agitations with Non-Lethal Measures*. Relevant portions from the procedure are extracted below.

### **PROCEDURE TO BE FOLLOWED WHEN PROTESTS LARGELY CONSIST OF WOMEN AND CHILDREN**

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- Unruly mob of women/children needs to be tackled with restraint and sensitivity.
- Women/children demonstrators as far as practicable should be dealt by women police only. Women protestors should generally be persuaded to disperse. In case persuasion fails, water cannons and tear smoke can be used. If required, stun grenades can also be used to disperse the women demonstrators.
- Quantum of force should be commensurate with the reaction from such crowd.
- Methods such as use of water cannons, poly carbonate lathis should be resorted to.

*[Part -3, 3.4) Law and Order Problem created by Women/Children.]*

### **EFFORT SHOULD BE MADE TO DISPERSE THE ASSEMBLY WITHOUT USING FORCE:**

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- As far as practicable, efforts should be made to disperse the unlawfully assembly without using force i.e. through persuasion, negotiations, mediations etc.

*[Part -2, Standard Operating Procedure (S.O.P), A)Tactics(i)]*

- At the very outset announcement for dispersal should be should be made hoisted at conspicuous spots.

*[Part -3, SOP for Special Situations, 3.1) Stone pelting mobs(ii)]*

- Riot flags and display banners, as far as practicable should be taken along and should be hoisted at conspicuous spots.

*[Part -3, SOP for Special Situations, 3.1) Stone pelting mobs(iii)]*

- Consequently, they should be ordered to disperse, if they do not, they should be arrested using minimum force.

*[Part -2, Standard Operating Procedure (S.O.P) A)Tactics(iv)]*

- If this doesn't work, they should be cautioned that force shall be used.

*[Part -2, Standard Operating Procedure (S.O.P), A)Tactics(v)]*

- If this unlawful assembly still persists, then force should be used to disperse them.

*[Part -2, Standard Operating Procedure (S.O.P), A)Tactics(vi)]*

## **PROCEDURE GOVERNING USAGE OF FORCE**

- The force should be used when it is absolutely necessary. It should be minimum and proportional to the situation and should be stopped/discontinued, the moment mob violence stops.

*[Part -2, Standard Operating Procedure (S.O.P), B)Procedure(x)]*

- Quantum of force should be commensurate with the reaction from such crowd.

*[Part -3, [SOP for Special Situations, 3.1) Stone pelting mobs(iii)]*

- Methods such as use of water cannons, poly carbonate lathis should be resorted to.

*[Part -3, SOP for Special Situations, 3.1) Stone pelting mobs(iv)]*

- When the methods of persuasion, advice and warning by District Police/Administration fail and the mob is bent upon violence then the senior -most police officer present at the spot must assist the Magistrate by mobilizing the available police force (including women component if necessary and available) and utilizing them as best as possible. Following the orders of Magistrate or senior-most police officer present on the spot, the police may use the minimum force as is necessary to disperse the unlawful assembly by resorting to lathi charge, water cannons and tear smoke shells and other less lethal/non-lethal weapons.

*[Part -2, Standard Operating Procedure (S.O.P) B) Procedure(ii)]*

- The senior most police officer present on the spot dealing with the stone pelters should assess the feasibility of charging at the unruly mob with lathis and shields first. The assessment would depend upon the relative strength of the unruly mob and police force and whether the police party is equipped properly with anti-riot gear so that police personnel do not suffer disproportionate injuries.

*[Part -3, SOP for Special Situations, 3.1) Stone pelting mobs (iv)]*

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## PROCEDURE GOVERNING USAGE OF FIRE ARMS

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- If the unlawful assembly persists with defiance and the use of tear gas, lathi charge etc. is ineffective to disperse the unlawful assembly, use of firearms may be resorted to. The Magistrate/senior police officer on the spot will be responsible for taking a decision as to when an unlawful assembly has to be dispersed by force and also the kind of force to be used.

*[Part -2, Standard Operating Procedure (S.O.P) B)Procedure, (v)]*

- Before the decision to use lethal weapon is taken, the unlawful assembly should be again warned as far as practicable.

*[Part -2, Standard Operating Procedure (S.O.P) A)Tactics (viii)]*

- As far as practicable, attempt should be made to fire below the waist, when resorting to firing becomes necessary to disperse unlawful assembly.

*[Part -2, Standard Operating Procedure (S.O.P) A)Tactics (ix)]*

- If use of tear smoke is not effective, other non-lethal and less lethal means should be used exercising caution and discretion. Attempt should be made to keep the line of fire, when required, below the waist of the target to reduce fatalities.

*[Part -3 SOP for Special Situations, 3.1) Stone pelting mobs, (vi)]*

- When all above options turn unsuccessful and use of firearms becomes necessary, the procedures envisaged in Criminal Procedure Code are to be followed. At the outset, the unruly mob be warned through P.A system/ loud hailers etc. about the use of firearms. When unruly mob does not respond positively and use of firearms becomes unavoidable, it is advisable that the initial round of firing by using single shot mode. The police personnel (individuals/sections) who may be called on to fire should be identified in advance and briefed accordingly. Maximum restraint should be observed to ensure minimum necessary use of firearms ensuring minimum casualties.

*[Part -3 SOP for Special Situations, 3.1) Stone pelting mobs, (viii)]*

- However it is advisable that fire be directed towards most violent sections of the stone pelting mob only.

*[Part-3 SOP for Special Situations, 3.1) Stone pelting mobs, (vii)]*

- Non-lethal weapons should be used to avoid loss of human life. Aim should be taken at the lower limbs of protestors to avoid causing injuries to the vital parts.

*[Part -2, Standard Operating Procedure (S.O.P) B) Procedure (vii)]*

- Firing should cease if the unlawful assembly shows signs of dispersing in the opinion of Magistrate/senior most police officer present on the spot. After dispersal, the police party should extend all help to immediately evacuate the casualties to the hospital.

*[Part -2, Standard Operating Procedure (S.O.P), B) (xi)]*

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## REHABILITATION AND COMMUNITY BUILDING MEASURES

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- The persons arrested during the mob violence need to be classified as: 1. minors 2. first time law breakers and 3. hardcore criminals. The minors should be immediately segregated from rest of the arrested persons and should be lodged in Juvenile Jails/ Correctional Home. The first time arrested persons should be dealt with appropriately and hard-core criminals need to be dealt with effectively under law.

*[Part-1, C. Upgrading of Training of Policemen regarding Riot Control, (xxvi)]*

- To restore confidence among the public, the administrative machinery should get activated in their areas and establish contact with the respectable of the area and address the problems responsible for any Law & Order situation.

*[Part -2, Standard Operating Procedure (S.O.P) A) Tactics:- (xii)]*

- Since law and order problem are generally short-term problems having certain genesis and reason/grievances, it would be appropriate to involve public through counselling so that issues can be understood by them. Permission for rehabilitation/correctional centres should be made by the State Governments in order to prevent the juvenile delinquents mixed up with hardened criminals in the jails.

*[Part -3, B) Rehabilitation and Correction/ Counselling Centers]*