

REPORT
on
KANPUR KILLING

by
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CITIZENS' COMMITTEE FOR ENQUIRY INTO KANPUR MASSACRE

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The Citizens' Committee for Enquiry into Kanpur Massacre requested Sarvashree Nikhil Chakravartty, Editor, *Mainstream*; A. K. Roy, Member of Lok Sabha, and Satish Saberwal, Associate Professor, Jawaharlal Nehru University, to undertake an on-the-spot investigation into the Kanpur incident of December 6, 1977.

The report submitted by them is published herewith.

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Report on Kanpur
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WE visited Kanpur on February 7-9, 1978, for an on-the-spot investigation about what really happened on December 6, 1977, when a number of lives were lost following police firing within the precincts of Swadeshi Cotton Mills in the city.

In the course of our investigation we had the opportunity of meeting a large number of persons including the District Magistrate and other Government officials, some of the officers of the management of the Mills, as also a large number of workers. The cooperation which we received from different sources helped us to get a clear picture of the happenings that led to the tragic loss of lives in the Swadeshi Cotton Mills on December 6.

The Swadeshi Cotton Mills Ltd, controlled by the House of Jaipurias, has been passing through a period of crisis, accord ng

to the management. Originally the Swadeshi Cotton Mills was started in 1911 by Sir Henry Horseman. He sold it in 1946 for Rs 2.10 crores to Mungtu Ram Jaipuria who happened to be his trading agent in Calcutta. It was claimed to be the biggest mill in North India having a labour force of over eight thousand.

This turned out to be such a profitable concern that, over the years, the Jaipurias were able to acquire or establish five textile mills in other parts of the country — at Pondicherry, Udaipur in Rajasthan, and in U.P. at Naini, Maunath Bhanjan and finally at Rae Bareli. (Initially, a synthetic fibres mill was to be established at Rae Bareli, but the license for this was transferred to Ghaziabad.) The Rae Bareli unit of the Swadeshi Cotton Mills was set up for what the management euphemistically calls “political considerations” — in other words, to placate the former Prime Minister Indira Gandhi, whose constituency happened to be in Rae Bareli. In fact, quite a considerable amount of machinery for the Rae Bareli unit was sent there from the Kanpur unit of the Swadeshi Cotton Mills.

From this it is evident that the Swadeshi Cotton Mills, Kanpur, was for a long time fetching considerable profits for its owners so that they could set up five more profitable textile units apart from promoting the Swadeshi Polytex Ltd., in which it owns today 30 per cent of the shares with its block of one lakh shares originally priced at Rs 10 each.

The trouble with the Swadeshi Cotton Mills started when the two brothers, Sita Ram and Raja Ram — the former the adopted and the latter the real son of old Mungtu Ram — fell out. In November 1975, Rajaram displaced Sita Ram as the Managing Director of the Swadeshi Cotton Mills while Sita Ram took over as the Managing Director of the profit-making Swadeshi Polytex Ltd. By March 1975, the Company on paper showed loss. Meanwhile, from 1974 onwards, the management

at Kanpur was found to be repeatedly defaulting in the matter of paying the workers' wages while at the same time it was not clearing its dues to the Government. It has also eaten up the Provident Fund of the workers to the tune of over Rs 25 lakhs and the Employees' State Insurance accumulation to the extent of Rs 20 lakhs, both cognisable offences under law but the Government did not bother to prosecute them.

From 1974, the workers of this mill had to resort to gherao to get their legitimate wages. This became the regular practice from 1975. The State Government, under the Chief Minister-ship of N.D. Tiwari, arranged for the company a loan of Rs. 1.50 crores in March 1976 from Punjab National Bank, under-writing the guarantee for it. But within a few months the Company again started defaulting in the payment of wages. There are strong grounds for the presumption that this persistent defaulting arises from a sustained effort by the Swadeshi management to drain the company of its resources, possibly into unaccounted channels. Why is the management creating this crisis? From all the circles we met in Kanpur — the management, the Government and the workers — we formed the definite conclusion that the management is bent on pressurising the Government to allow it to sell the Swadeshi Polytex shares at an inflated price; in addition, it seeks also to convert nearly half of its capacity from cotton textile to synthetic textile in order to go in for large-scale profiteering.

The situation went from bad to worse last year and several gheraos had to be resorted to by the workers to secure their long-standing dues. In September 1977, the workers gheraoed the son and the son-in-law of one of the officers of the Mill and only then the management could be forced to come out with a written assurance that they would disburse the wages long due by October 10. But nothing was done. The workers held a number of peaceful demonstrations including one before the luxuriously appointed Swadeshi House in the affluent part of

the city. Meetings at the mill-gate followed in the next few days. Even the clerks of the establishment went on a strike on October 24.

On October 26, 1977, the workers gheraoed the Secretary of the Mill, K. P. Agarwal for a stretch of 54 hours. It may be noted here that the workers organised the gherao in such a way that production was not interrupted: those who were outside the shift took over, by turn, the task of keeping up the gherao. Agarwal was gheraoed in an open space near the cooling tank inside the mill. The next day the District Magistrate intervened and the State Government hurriedly appointed a Receiver and at the same time arranged a loan of Rs 13.50 lakhs for immediate disbursement of the workers' wages which partially met the huge arrears due to them. During this gherao there was no question of the workers threatening the life of the gheraoed officer. Rather they even helped to instal a temporary telephone connection for the gheraoed officer so that he could speak to the mill authorities. At the end, when actually the cash was brought for immediate disbursement, the workers not only released but garlanded the gheraoed officer. So, there was no question of any menacing violence on the part of the workers.

The appointment of the Receiver naturally created a sense of expectation on the part of the workers and they rightly hoped that from now on they would be getting back not only their dues but also their wages regularly which were paid in fortnightly instalments. But this turned out to be an illusion. The Receiver was appointed under Sub section (1) of Section 182A of the UP Land Revenue Act, 1901, read with Section 5 of the UP Government Electrical Undertakings (Dues Recovery) Act, 1958. He was expected to supervise the sales of the products and to ensure the recovery of Government dues "after the payment of labour dues and other essential items

for the running of the Mills". What was interesting was that the Receiver was appointed "over the mills at Kanpur" and not over the Company of the name of Swadeshi Cotton Mills Ltd. In other words, the Receiver was expected to oversee the financial position of only the Kanpur unit of Swadeshi Cotton Mills and had no jurisdiction over the other five thriving mills of the same Company located in different parts of the country. The Kanpur unit of the Swadeshi Cotton Mills had already been known to have been divested of funds and so after the payment of one instalment of the workers' dues on October 27, hardly any money was left to meet the balance of the arrears of the workers' wages or the subsequent instalments of the wages in the next month.

Therefore, again on November 9, the State Government gave a further loan of Rs 15 lakhs so that the workers could be paid one more instalment of their dues on the Diwali which fell on the next day. There was an assurance that a similar instalment would be given at the time of the Idd which came eleven days later, but on the plea of having no more funds at hand, nothing was done in the matter.

Towards the end of November it was clear from the testimony of the workers that they had the feeling that the Receiver was soon going to arrange for the payment of the dues by some means or other. But nothing of the sort happened. Even the officers began to disappear from the mill premises. The situation became desperate indeed for the workers whose wages for nearly two months were now overdue.

On the fateful December 6, two officers came to the mill premises on some other work: Iyenger, the Production Manager and Sharma, the Accounts Officer were gheraoed by the workers round about 2 p.m. It is to be noted here that on that day and for a few days preceding there was power breakdown in the mill due to a failure at the power station of

the Kanpur Electric Supply Authority. Most of the workers coming on shift duty were only signing for work but laid off. Only a few departments were functioning through the power supplied by the mill's own generator.

The two mill officers were gheraoed exactly in the same way as it happened in the case of Agarwal on October 26. They were taken to the very same spot where Agarwal was confined in the open space in one of the yards near the cooling tank within the mill premises. Two police officers were also seen to be sitting near them and there was no sign of any menacing commotion.

From the evidence at our disposal, it is clear that a large force of police turned up under the command of Superintendent of Police, Rai, somewhere after 3-30 p.m., that is, less than two hours of the start of the gherao. It may be noted here that no such force had been sent at such a short notice on October 26. The District Magistrate was on tour on December 6 and instead the Additional District Magistrate turned up, a man who is known to be very friendly to the Jaipurias.

From the evidence collected by us, it appears that the police started its operation first outside the mill premises on the main road, and the lanes leading to the main road. There are reports of firing having begun in this area and we examined a number of spots inside the lanes in the crowded bustees opposite the mill gate — there were bullet marks even at a distance of more than 300 metres from the main road on which the mill stands. We also examined some of the people who were wounded by the police firing in this part of the town.

Meanwhile the police under the Superintendent of Police began to force its way within the mill compound. According to the version we got from the police, the SP as he was leading his force was wounded on the head by a hard substance (which might have been a brickbat or a piece of iron)

dropped from the roof top adjoining one of the buildings within the mill compound. Since he was wounded, the police which before that had tried to tear gas, began shooting.

The firing, according to the police, went on for twenty to twenty-five minutes. All other evidences however indicate that the firing lasted for nearly two hours. The police force not only went on charging while shooting but they climbed on the roof of one of the buildings from where they started firing indiscriminately on the workers. Rifles and muskets were both used liberally in this operation. With such largescale firing most of the workers tried to escape from the backdoor, climbed over the wall at the rear of the factory, or tried to hide in the worksheds; and in course of it some of them broke their limbs also. We examined some of these workers including those who were wounded.

Meanwhile the workers who were still working in some of the departments which had power supply, did not realise that they would have to face the police attack. They were not participating in the gherao at all but they were forced by the police at bayonet point to come down and they were forced to run through two lines of armed policemen in course of which many of them had to suffer severe wounds. This was a totally unprovoked and calculatedly terror operation because these workers had nothing to do with the gherao.

The police rounded up nearly a thousand workers, those they could lay their hands on. Some of these were forced to load the wounded and the dead on the police trucks. After that the police left out the aged and put as many as 231 workers under arrest and sent them to the police lock up in different police stations in the city where in some cases they were beaten up and sent to prison the next day.

As for the wounded who were taken to the hospital, most of them had to pay for their treatment and most of them also were taken to prison as soon as they were discharged from hospitals.

What happened to the two gheraoed officers Iyenger and Sharma? A propaganda has been sedulously built up that the police shooting on the workers had to be resorted to because the workers had murdered the two officers. It is clear as day light from the version we have heard from the authorities themselves that the police firing began when the Superintendent of Police was wounded; there is not a shred of evidence of the two gheraoed mill officers having already been killed. The evidence that we have collected points to the fact that as soon as indiscriminate firing was resorted to, the workers who were gheraoing the two officers ran away; and when these two were last seen, they were standing under the portico leading to the building in which later on the police claimed that they found their battered corpses. The staircase leading to the room where the officers were found dead is such that nobody could be dragged through it. This leads to the reasonable inference that the two Mill officers went up on their own for safety from police firing. *In brief, the police firing did not start after the two mill officers lost their lives, but preceded it.* No eye-witness to the death of these two officers could be found nor could the authorities give any tangible reason why the workers would have wanted spontaneously to kill these officers. This is a matter which requires close investigation.

What needs to be understood here is that the workers on December 6 while gheraoing the two mill officers were following exactly the same procedure which they had adopted on October 26. Even the telephone connection was being installed as on October 26, but it could not be completed because of the police firing. Secondly, there is no proof whatsoever that any worker was caught to have participated in the killing of the two mill officers who, individually, had never been the target of the workers' anger: they were only held as hostages by the workers for their long overdue wages.

It seems to be clear, then that *gherao* had become the only

procedure for the workers for securing their long overdue wages. Menacing violence, threatening either life or property, was not part of this repeatedly used procedure, and therefore the firing of December 6 was unjustified and entirely avoidable.

In this context, it is worth noting that when the application was moved in court for the release on bail of the arrested workers who numbered over 230, the police at the beginning could not produce the FIR. Later on at a subsequent hearing they produced one FIR where prosecution was demanded on the charge of murder. At a subsequent hearing the police changed the FIR and a fresh FIR was presented where instead of the charge of murder, the charge of attempted murder was substituted. Most of the workers were released on bail only towards the end of January and the first week of February. We are informed that some of the workers are still in prison.

There is a wide margin of dispute over the casualty figures. The Government figure is that 11 workers were killed in police firing and 43 wounded and hospitalised. Many of the workers whom we examined, claimed that a larger number were killed and some even said that they were forced by the police to load the trucks with corpses which if counted would amount to a very large number. However, this requires further examination. What is clear is that the figure of killed in police firing must be more than 11. From the evidence that we collected in course of sixty hours, we could locate two cases in which the workers had not returned home nor could they be found in the hospitals nor in prison nor had gone back to their village homes. The obvious presumption is that they were killed in police firing. These two were Horilal, son of Mangali, living at the village of Macharia, P.O. Nauvasta (ESI No 237766; PF No UP 12/16367) and Gangaram, son of Narottam, living at 127/126 Juhi Bombaralaya. Both these names do not figure in the official list of the dead.

A lock-out has been declared at the mill since December 6. On January 7, 1978, the Company after getting a further loan of Rs 37.5 lakhs from the Government cleared some of the arrears of wages to the workers. The announcement was made on January 7 by notification about the disbursement of wages which was done between January 16 and 30. Many of the workers however had left for their villages. From the side of the mill management we came to know that 267 workers had not turned up to take their wage dues. It is possible that these 267 had not got the information about disbursement of wages on that day. It is equally plausible that among these 267 missing, there might be a number of dead workers killed in the police firing. It is, therefore, to be assumed that only after the mill is reopened would one be in a position to know how many workers actually lost their lives in the police firing on December 6.

The management now is holding up the excuse that it is financially not in a position to open the mill unless and until it could dispose of the crucial 10 lakh shares of the Swadeshi Polytex whose market value has gone up to Rs 2.20 crores. But Raja Ram Jaipuria's men have arranged with the House of Thapars for the sale of these shares for Rs 5 crores, the idea being that whoever would hold these crucial 30 per cent of the shares in Swadeshi Polytex would control the thriving company at Ghaziabad. The Swadeshi Cotton management says that by selling these shares it would be able to run the Kanpur mill.

There is, however, a serious flaw in its argument, because out of this amount of Rs 5 crores it will have to clear the dues that it owes to the Government and the bank, which would come to over Rs 3.5 crores. It is, therefore, clear that even by its own logic, the workers would not be getting their wages after sometime because the management would again resort to non-payment of wages on the plea of shortage of running capital.

The present UP Ministry seems to be very favourably inclined towards Rajaram and his faction of the Jaipurias and we have reasons to believe that the crucial Polytex shares which were seized by the Government have been offered for sale to the Thapars and an earnest money has already been accepted for this transaction. However, the deal could not be pushed through for the simple reason that Sita Ram Jaipuria secured a stay order in the Supreme Court on January 31 against the sale of these shares at this inflated price.

A noteworthy aspect of the development of the whole affair is the failure of the UP Government in discharging its duties when this was likely to affect the Jaipuria interests adversely. This softness is displayed most tellingly in the terms under which the Receiver was appointed, and this would suggest ministerial collusion in Lucknow with the Swadeshi management; and the cue would appear to have been taken faithfully by the officials lower down.

During our on-the-spot investigation covering extensive talks with a very large number of workers, including trade union cadres of different affiliations, we could not help realising that there has come up an erosion in the credibility of the trade union movement in Kanpur in the eyes of the working population, particularly at the Swadeshi Cotton where the trade union leadership proved to be ineffective in organising the workers' struggle for securing the very basic demand of the workers, for their very wage. Inevitably, such a situation provides a happy hunting ground for dalals and agents provocateur.

Our earnest appeal is that the leaders of the trade union movement should seriously examine why and how this ineffectiveness on the part of the trade union leaders has come about at such a centre as Kanpur with its memorable record of heroic working-class actions under powerful trade union leadership in the past. Even in the matter of organising relief while we were

heartened by the spectacle of active dedicated volunteers of different affiliations functioning unitedly at the levels of cadres, there is a distressing gap between them and the State-level trade union leaders who seem to be keeping away from the area, a gap which is noticeable even in the matter of running two separate offices for the purpose of relief.

Various demands emerge out of the crisis in the Swadeshi Cotton Mills. The first is the need for an immediate judicial inquiry to go into the circumstances leading to the police firing on December 6, culminating in the killing of a number of innocent workers together with that of the two mill officers. It is necessary to go into details and examine all the available records (though many may have been tampered with by now) to find out what impelled the police to go in for such large-scale firing resulting in the death of so many innocent lives. Even by the Government's own version, 13 lives were lost which is not a small number.

Secondly, the Government should take immediate steps to ensure that under conditions of lock-out, the management does not remove through the backdoor any material either by way of stocks or machinery from the premises of the mill. We find from the evidence we have gathered that several truck loads of goods were removed from the mill premises, a point which has not been categorically denied by either the local authorities or by the management.

Thirdly, it is absolutely imperative that the Government should take immediate steps to reopen the mill. For more than two months, eight thousand workers have been left in conditions of utter starvation for no fault of their own. They have done their utmost to step up production even to the point of not demanding anything more than their wages. Reopening of the mill is an imperative which the Government must force upon the management or run it on its own. Regular payment of wages

along with the arrears due has to be ensured for the workers.

Lastly, the dirty squabble over the sale of the controlling Swadeshi Cotton shares in the Swadeshi Polytext at an inflated price should forthwith be brought to an end. This can be done by the Industrial Development Bank of India (IDBI) itself taking over the shares at their present market value. This would give IDBI full control over the profitable polytext concern in which the IDBI credit forms the bulk of the Company's capital.

The present management of the Swadeshi Cotton has forfeited any claim to own or run the Mill: its manipulation of its finances has led to the present state of apparent depletion of running capital. It is guilty of cognisable offences by touching the workers' Provident Fund and the ESI deposits, while its dues in arrear to the Government on account of power supply amounts to over Rs 1.10 crores. The limitless avarice of the Jaipurias can be gauged also from the fact that extensive land attached to the Mill premises which could have been gainfully utilised for building the workers' tenements, has been parcelled out for developing Anandpuri, a flourishing residential colony. It is incumbent upon the Government to take over the Swadeshi Cotton Mills on grounds of gross mismanagement and blatant swindling by the Jaipurias who have minted huge profits for three decades, profiteering for their original outlay at least ten times over.

We are heartened by the large body of sympathy and support that the workers of the Swadeshi Cotton at Kanpur command in many sections of the public in the city. Noteworthy is the effort put into organising relief not only by the workers themselves but also by their sympathisers in Kanpur's industrial belt. In contrast, what has amazed us is that in course of these two months neither the Chief Minister nor the Labour Minister has cared to visit the mill premises or to meet the workers on

the spot. The Labour Minister of U.P., it may be noted, won the election from the constituency in which the mill is located.

What has happened in Kanpur is not a solitary case of criminality on the part of the employers, blatantly cheating the workers of their hard-earned wages while deliberately holding up production. The sins of the Jaipurias bring out the venality of India's so-called industrial magnates, thriving on the indulgence and latitude extended to them by the Government, whether of yesterday or today.

We have come back from Kanpur convinced that the brutal police firing on the workers of Kanpur was completely unwarranted. Those responsible for this crime should be punished after an open judicial enquiry. It is necessary that there should be nation-wide support behind the three key demands: Judicial enquiry, Reopening of the Mill and Government take-over. Any delay on these three counts has to be nailed down as the Government's default in complicity with the mill management.

Public opinion all over the country must not permit the guilty to go scot free.

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